

29th May 2013

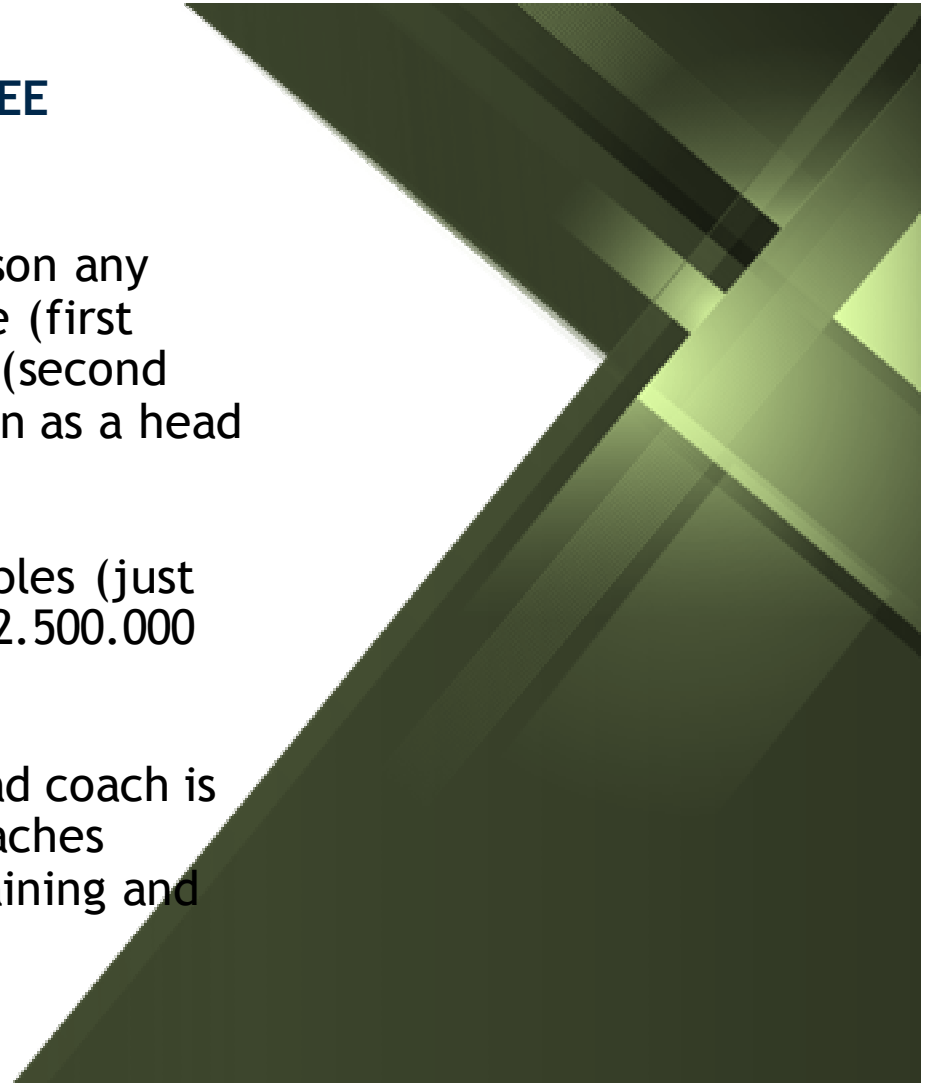
Seminar «Football coaches: contracts and disputes»

Discrimination against foreign coaches in Russia

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Legal Sport Company

DECISION OF RFU'S EXECUTIVE COMMITTEE DATED 5 APRIL 2013

- Starting from 2013 / 2014 sporting season any football club of Russian Premier League (first division) and Football National League (second division) which register a foreign person as a head coach shall pay lump fee to the RFU
- The club of RPL shall pay 5.000.000 Rubles (just about 125.000 EUR), the club of FNL - 2.500.000 Rubles (just about 62.500 EUR)
- Above specified fee for the foreign head coach is used for support of Russian juniors' coaches and / or development of vocational training and further training of coaches



WHAT IS THE IDEA OF INNOVATION?

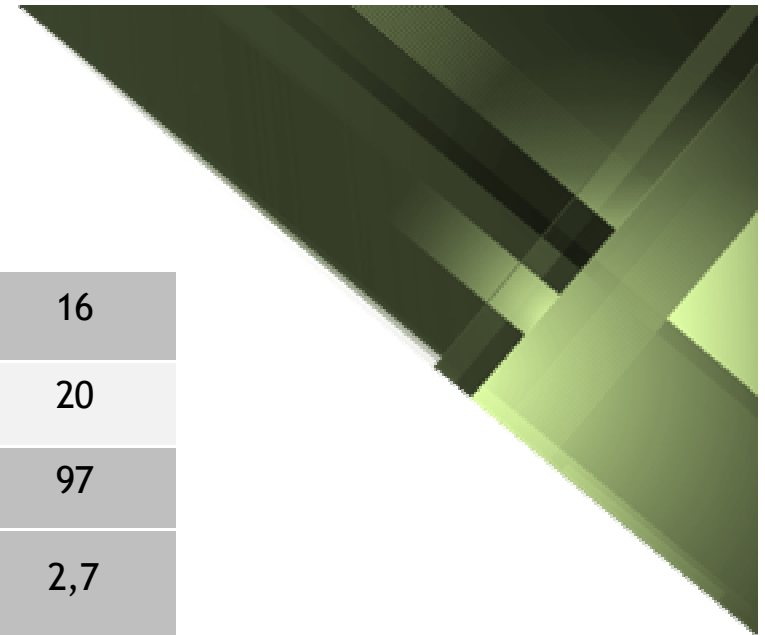
- The rule was introduced under suggestion of the Union of Russian Football Coaches (URFC)
- The rule aims to support Russian football coaches “PRO” category
- The rule gives additional source of funding for the preparation of coaches



COMPETITION AMONG RUSSIAN COACHES

Amount of RPL clubs for 2013 / 2014 sporting season	16
Amount of FNL clubs for 2013 / 2014 sporting season	20
Amount of Russian coaches "PRO" category	97
Average amount of Russian coaches "PRO" category for one football club of RFL or FNL*	2,7

* In accordance with RFU Regulation on licensing of football clubs in Russia (criteria P.09) head coach of the football club of RFL or FNL must have "PRO" category



AMOUNT OF RUSSIAN AND FOREIGN HEAD COACHES IN 2013 / 2014 SPORTING SEASON

RPL (2013 / 2014)

Russian coaches - 15

Foreign coaches - 9

Total amount - 24

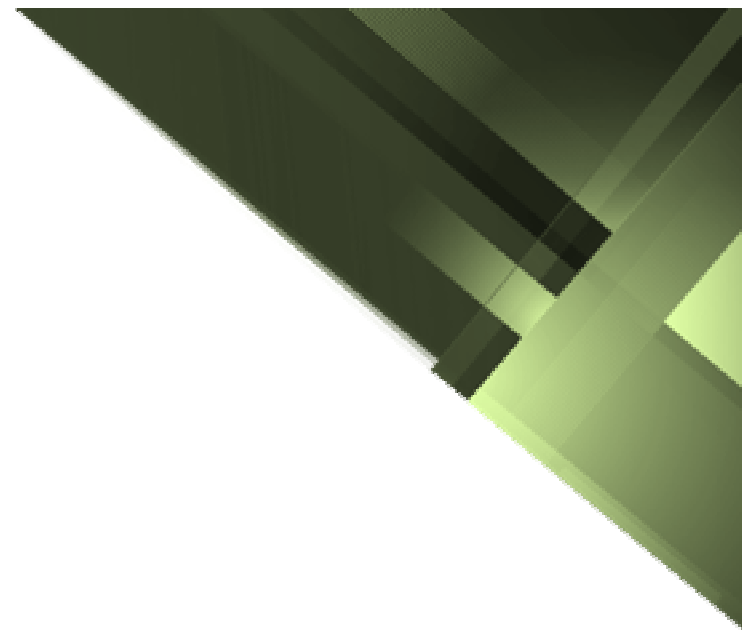
FNL (2013 / 2014)

Russian coaches - 23

Foreign coaches - 2

Total amount - 25

**Amount of foreign head coaches in football clubs of RPL and FNL
in 2013 / 2014 sporting season - 22 %**



OPINIONS

M. GersHKovitch (head of URFC, initiator of innovation):

«Recent events that are taking place in Russian football forced us to sound the alarm. Already very large number of coaches of not highest qualification came to us from abroad. At the same time more than 50 Russian professionals with a “PRO” license have no job. I can understand when rich football clubs which fight for top places in championship and in European competitions invite famous and competent foreign coaches. But I can't understand when managers of unsuccessful football clubs apply for services of unknown «Varangians» ...
(«Sport-Express»)



OPINIONS

S. Galitskiy (President of FC “Krasnodar”):

«This is disrespectful behavior to the owners of football clubs. Without any prior consultations they decided that we will pay more. There are more than 100 Russian coaches in my football school and youth teams - but now it turns out they will charge from me money for a foreign coach. It's good 5 millions Rubles but not 5 millions US Dollars, though I do not know what kind of appetite Mr. Gershkovich and his friends will have in one year. It's an outrage, they spit in our faces, they penny of their money is not invested, can only rob us. For the invitation of any foreign specialist the clubs pay to the Government, now even to RFU»
(«twitter.com/sergeygalitskiy»)



OPINIONS

E. Giner (President of PFC CSKA):

«It can't be a problem for the club which will invite serious foreign coach, they can pay 5 millions. This decision shall limit the arrival of medium-quality coaches to our championship. I should agree that if somebody recruits, for example, Mr. Mourinho, he will not think about such money which he must spend. I can't see something bad in this decision»
(«Sportbox.ru»)



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**Discrimination or
supporting of Russian
football coaches?**

INTERNATIONAL LAW

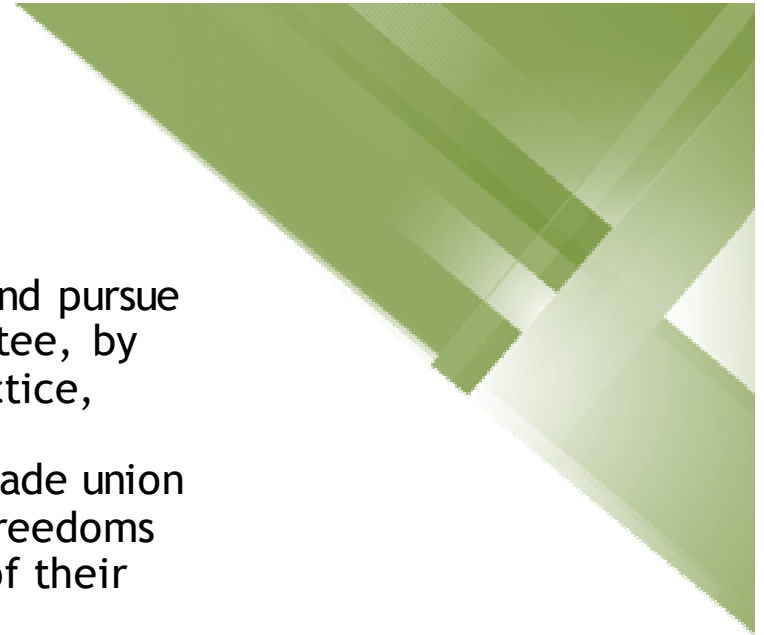
Discrimination (Employment and Occupation) Convention, 1958
(ILO No. 111):

- Discrimination includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation(p.1 Art.1)
- Each Member of Convention undertakes to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination (Art.2)
- Each Member undertakes to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy as well as to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy(lit. b), c) Art.3)

INTERNATIONAL LAW

Migrant Workers Convention, 1975 (ILO No. 143):

- Each Member of Convention undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory (Art.10)
- A member may restrict access to limited categories of employment or functions where this is necessary in the interests of the State (lit.c) Art.14)

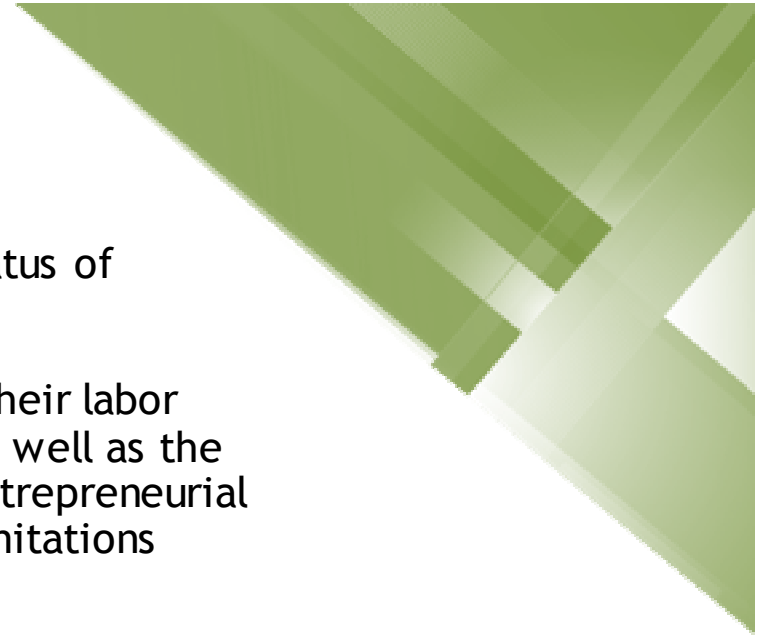


RUSSIAN LAW

Federal law dated 25.07.2002 N 115-FZ "On the legal status of foreign citizens in the Russian Federation"

- Foreign citizens have the right to dispose freely of their labor skills, choose the kind of activity and occupation, as well as the right to use freely their abilities and property for entrepreneurial and other not prohibited activities subject to the limitations provided by federal law (p.1 Art.13)

Restriction of the labor rights of foreign citizens is permitted only in the cases it stipulated by the federal law



RUSSIAN LAW

Labor Code of the Russian Federation (Art.3):

- Everyone shall have equal opportunities to realize his/her labor rights
- No one can be constrained in his/her labor rights and freedoms or get any advantages irrespective of sex, race, color of skin, nationality, language, origins, property, social or position status, age, domicile, religious beliefs, political convictions, affiliation or non-affiliation with public associations as well as other factors not relevant to professional qualities of the employee
- Establishment of distinctions, exceptions, preferences as well as limitation of employees' rights which are determined by the requirements inherent in a specific kind of work as set by federal laws or caused by especial attention of the state to the persons requiring increased social and legal protection shall not be deemed discrimination



RUSSIAN LAW

Federal law dated 04.12.2007 N 329-FZ “On physical culture and sport in Russian Federation”

- The legal ability to set “limit on foreign players”: Russian Sporting Federations have the right to impose restrictions on participation in Russian official sports competitions of athletes who do not have the right to participate in sports competitions for teams of the Russian Federation in accordance with the rules of international sports organizations which organize relevant international competitions (Par.7 Part 1 Art.16)

Above specified federal law as well as another Russian federal laws do not permit to Russian Sporting Federations to set any limits on the work of foreign coaches

DOES NEW RULE RESTRICT THE RIGHT TO WORK?

- The introduction of compulsory fee for using a foreign coaches restricts the right to work of foreign citizens because puts them at a disadvantage in comparison with citizens of the Russian Federation, and can be considered as discrimination



CONCLUSIONS

- International law does not permit the establishment of discrimination against foreign citizens in implementation of the right to work
- In the Russian Federation can be allowed establishment of restrictions in employment of foreign citizens only in the cases stipulated by the federal law
- Federal laws do not provide any cases of restriction of labor rights of foreign coaches
- Russian Sporting Federations have no rights to set any limits on the work of foreign coaches



QUESTIONS TO THE PARTICIPANTS:

- Do exist any restrictions on foreign coaches in your country?
- Do you consider such restrictions expedient?
- Do you consider such restrictions lawful?

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Thanks for your attention!

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