

## ARTICLE

# Specificity of Employment Relations in Sports: Lessons from the National Context

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Employment relations in sports are shaped by the interplay of national legislation, international standards, and relations between the public sector and the sports movement. The sports ecosystem represents a specific organizational and governing structure balancing public interest and the growing commercialization of sports. Given the specificity, this paper aims to explore labor relations, focusing on the legal framework and institutional environment that define the rights and obligations of professional athletes in particular. The key challenges identified include the gap between law-on-the-book versus law-in-action, especially the alignment of sports-specific regulations with labor-related provisions. The results suggest the need for a concerted effort to engage in systematic governance reforms of the sports movement, to provide compliance with the legal system, and to ensure its application.

**Keywords:** Employment Relations; Legal Framework; Labor Law; Sports Rules; National Context

## Introduction

Contemporary sports reflect its dynamic nature, primarily between its educational, health, societal, and amateur dimensions on one hand and commercial, professional, and economic on the other side. The status of athletes remains heterogeneous across the countries, especially in terms of employment relations. One of the reasons lies in the legal, institutional, and societal position of sports within a particular country. When discussing the status of athletes, the concept of amateurism played an important role, more specifically, the method of how it was applied or practiced. The recent research highlights various contractual relations of athletes ranging from the status of a civil servant, employment relations with the National Olympic Committee, with public or quasi-public or private organizations (e.g., UK Sport), a contract with the National Sports Federation to participation agreement (O'Leary et al., 2024). This process was directed and shaped under external drivers, such as globalization, commercialization, and professionalization. Equally, internal forces in the form of governmentalization and politicization contributed to the configuration of the sports ecosystem on a national level (Begović 2020). According to the categorization adopted by Chaker (2004), the configuration of the sports ecosystem varies on the following:

Whether the state law regulates the terms structure and responsibilities of a significant part of the sports movement (interventionist approach) or regulates only partially (non-interventionist approach), 2) whether state competence set is done centrally or decentralization of power, and 3) type of the sport movement; set to be on the top pyramid is an organization that embraces both Olympic Committee and all national sports federations (consolidated system), and in this respect there is no difference between the Olympic Committee and other national associations, or even a general national sports federation (unconsolidated system).

Further, the relationship between the public sector and the sports movement depends on the concept of autonomy granted by the former or exercised by the latter. Geeraert et al. (2014) differences between legal, political, financial, and pyramidal segments of autonomy that impact relationships on both national and international levels. In order to translate Chaker's categorization and Geeraert's layers of sports autonomy into a national context, it is important to present briefly the sports ecosystem in Montenegro. Sports as part of physical culture is a constitutional provision (Art. 77) mandating the state to ensure necessary conditions (Parliament of Montenegro 2007). In addition, the freedom of association provision (Art. 53) applies to the actors in the sports ecosystem. Consequently, this provision facilitates the opportunity for unionization without the approval of consent in accordance with the law.

The concept of public interest is set broadly within the Law on Sports as an attempt to reference major international documents (e.g., UNESCO's International Charter of Physical Education, Physical Activity and Sport, Council of Europe's

European Sports Charter, European Union's White Paper on Sport and IOC's Olympic Charter). This set ranges from general efforts aimed at promoting Montenegro through sports, supporting high-performance sports (especially specific categories of athletes), and development of sports for all concepts to research development, health protection, and international cooperation (Parliament of Montenegro 2021). Consequently, supporting and providing necessary conditions for natural persons (athletes, coaches, and others) as part of participating in organized physical activities in a non-discriminatory environment is enacted within the Law on Sports. The Law on Sports is adopted as a *lex specialis*, particularly addressing legal status, establishing and organizational requirements of sports organizations, concerning the Law on Non-Governmental Organizations as *lex generalis* (Begović 2021a). Regarding our topic of concern, the Law on Sports stipulates labor-related provisions following the Labor Law provisions, with the role of the public sector ensuring adequate distribution of rights and responsibilities, especially regarding social protection.

Following Chaker's categorization, the sports ecosystem in Montenegro could be characterized as interventionist and centralized in the sense that through the Law on Sports and NPRS, the state directly intervenes in the field of sports by setting up jurisdiction and competencies of the public sector and sports movement. The Law on Sports governs public interest and sets the frame for the development of sports movement, employment relations, health protection, financing sports, and other important aspects of sports. Within the Government of Montenegro, the responsibilities are shared when it comes to combating violence in sports, labor relations, and implementation of ratified international treaties and documents (Begović 2021a). The sports movement is consolidated with the Montenegro Olympic Committee acting as the national umbrella sports organization in charge of coordinating sports movement primarily in implementing activities of public interest (Begović 2024a).

The Law on Sports represents the major legal framework stipulating the pyramidal structure of the sports movement following the European Model of Sports. In the context of legal autonomy, national sports federations, together with umbrella sports organizations, are playing a major role in developing sports-specific rules as part of private regulations, but under the competent international sports organizations and the Law on Sports. The latter is particularly important, as the Law on Sports sets a framework for establishing relationships within the sports movement and between national and international sports organizations, ensuring, among others, applicability and uniformity of international sports rules for all subjects regardless of their legal personality in accordance with the law. With the adoption of amendments to the Law on Sports in 2021, the concept of depoliticization of sports governing bodies has been introduced, adhering to the constitutional provision related to the freedom of association without political interference (Parliament of Montenegro 2021). The Law on Sports foresees that sports organizations may generate funds outside of public investment or subsidies per the legal system. Despite their legal status, tax regulations apply in sports, including corporate income tax and property-related and personal income tax. For national sports organizations, up to 5% of the total revenue is recognized as deductible expenses, whereas the other 3.5% (Begović 2025). As for natural persons, the Tax Administration issues Instruction on Tax Treatment of Income Paid to Athletes (Tax Administration 2019). This instruction underlines that the salary of professional athletes is taxable and employment relations shall be established following the Labor Law provisions. Section 5 of the Law on Personal Income Tax recognizes both professional and amateur athletes with their rights and responsibilities, including subject to taxation (Parliament of Montenegro 2022).

### ***Status of natural persons (athletes)***

The complex and often ambiguous status created similar relations between legal entities such as sports organizations with athletes and other natural persons. This relationship is further complicated by the application of the European Model of Sports (EMS), in which athletes with regulatory regimes and pyramidal structure are often excluded from direct representation in sports governing bodies and decision-making processes. Moreover, the situation is quite diverse; however, the joint determinant is that the status of athletes is legally defined. While in some countries, the Law on Sports determines the status of athletes, in some cases, due to the specificity of their services, the cases were brought before ordinary courts. Despite these differences, the employment regulations across European Union countries aimed to provide fair and equal treatment for all actors respectively, and as Smokvina (2023) highlighted, to achieve a compromise in the distribution of income between athletes and sports organizations. The status of athletes has been particularly advanced in more professional or commercial sports, such as football (Smokvina 2023). Moreover, in some countries (e.g., Greece), ordinary courts recognized the right to conclude a contract by the labor-related legislation for athletes with amateur status (Smokvina 2023).

Depending on the particular institutional arrangements within the national sports ecosystem, athletes are entitled to appropriate employment status. Consequently, athletes may be employed with the public sector not directly related to sports (e.g., within armed forces as in the case of Slovakia or Belgium), while in Germany, the German Sport Aid Foundation represents private sports organization that has contracts with elite athletes or scholarship-based systems such as in Lithuania and Poland (Seltmann et al. 2022).

Given the pyramidal structure, the NSF is in charge of setting up competition format and eligibility rules that athletes must comply and adhere to in a *pacta sunt servanda* manner. That said, the Law on Sports defines athletes, their nature of performing activities, and obligations between natural and legal persons. An athlete is defined as a natural person practicing sports and participating in competitions or involved in organized physical activity. The way how sports are practiced defines an athlete as amateur, professional, or recreational. Secondly, depending on the results achieved, an

athlete may acquire a different status (e.g., promising athlete) and appropriate recognition, reward, or reimbursement. The difference between amateur and professional athletes presupposes that the former participates in sports in a not-for-profit manner, while for the latter, sports is a primary occupation with labor relations established in accordance with the Labor Law. This definition is in line with the International Labor Organization (ILO) classification recognizing athletes as natural persons who train and participate in competitive sporting events, taking part in promotional activities, and adhering to the sport's rules and regulations (International Labor Organization 2012: 210). Further, sports organizations, primarily national or international sports organizations control adherence to the adopted rules (International Labor Organization 2020). An amateur athlete may also receive financial or non-material EUR 300 subsidies monthly as per the Law on Person Income Tax (Parliament of Montenegro 2022).

Regarding status, depending on the results achieved, the Law on Sports recognizes an athlete with extraordinary sporting results competing for the national team and a promising athlete. To receive the status, an athlete needs to acquire a top-level result at the Olympic Games, Paralympic Games, World Championship, and European Championship in a sports or sporting discipline on the program of the Olympic or Paralympic Games.<sup>1</sup> In addition to this provision, this status may be acquired by an athlete elected as an "Athlete of the Year" or in the selection procedure by the Association of Sports Journalists following the Art. 77 of the Law on Sports. For certain sports, such as boxing or tennis, a specific requirement is set (e.g., finalist of Davis Cup) per the competition format of the competent international sports organization. The acquiring of this status is limited to Montenegrin law-abiding citizens, especially regarding punishable violations set in Art. 62 of the Law on Sports. Upon the athlete's request, the Ministry of Sports and Youth is in charge of conducting administrative procedures that can include additional information and the opinion from the and granting the status. Similarly, acquiring the status of a promising athlete presupposes achieving a top-level result in one official youth competition on the sports on the program of the Olympic or Paralympic Games, or sports categorized as I category for sports not included in the program of Olympic or Paralympic Games. The status is preconditioned by Art. 62, and it is granted for a period of 12 months.

Besides athletes, the Law on Sports recognizes other natural persons involved in the sports ecosystem, i.e., coaches and other sports professionals engaged in the organization and implementation of training, competitions, sports recreation, extracurricular activities, diagnostics and therapy, officiating and research sports-related work. The Law on Sports further defines coaches and sports experts trained to perform previously defined activities in sports. Further, sports professionals may perform activities within sports organizations or as entrepreneurs while preconditioned, as in the case of athletes (Art. 62), educational level (at least IV of a national framework of qualifications with fulfillment of other conditions set by the NSFs) and professional exam. For coaches and other sports professionals, the NSF is responsible for adopting appropriate internal regulations to manage procedures for certification with prior consent obtained from the Ministry of Sports and Youth.

#### **Labor relations in the Montenegrin sports ecosystem**

The debate on the regulation of labor and social protection of athletes is at its very beginning in Montenegro, as well as in most of the countries in the Western Balkans. As indicated by O'Leary et al. (2024), employment relations vary across different European countries. However, the joint determinant is the predictability of labor and social protection. Provisions from the Law on Sports clearly point that the labor relationship between athletes (and other natural persons) and sports organizations as legal persons shall be implemented within the framework set by the Labor Law. The basis of this relationship is shaped by the general acts (primarily statute), internal regulations, and sports rules adopted by the competent NSF. Nominally, the establishment of the labor relationship includes all the rights and responsibilities following the Labor Law provisions. This presupposes agreement to be concluded in a written form and in accordance with the Law on Sports for a period not longer than three years (Art. 68) with the opportunity to renew or to amend the existing agreement. The reasoning even provides the validity of labor relations and related rights and obligations without the written agreement in cases when it is determined that the athlete provided services to legal persons (e.g., represented sports organization or taking part in official training). As indicated, the employment procedure must be finalized within eight days of entering into a contractual relationship (Art. 29–31 Labor Law).

The specificity of sports or sports discipline plays an important role in prescribing work time, vacation, leave, and related rights and obligations. The Labor Law provisions apply in the cases for establishing labor relations between a minor and sports organization (Art. 22). Further protection, such as social security, is provided by the Law on Sports, especially in case of injuries or disability, as athletes are entitled to all protections as other workers within labor system in Montenegro. The registration of athletes and other natural persons is under the jurisdiction of the sports organization supplementing contract with the mandatory social insurance as *ius cogens* norm within Labor Law (Art. 33). This relationship is recognized as full-time employment (Art. 69 LS), including insurance covering health, pension, disability and unemployment segments within three main public institutions: Fund for Pension and Disability Insurance of Montenegro, Fund for Health Insurance and Employment Office (Art. 2–5 Law on Contributions for Compulsory Social Insurance). In addition, sports organizations are required to include mandatory insurance policies for athletes with extraordinary sporting results competing for the national team. In terms of the transfer of athletes, the freedom of agreements is shaped by the Law on Sports, Labor Law, and Law on Obligations, as transfer presupposes contractual relation (Art. 71 LS). The rules of competent international sports organizations shall be applied in conformity with the

Labor Law and Law on Obligations. The NSF manages records of transfers with the obligation to inform the Ministry of Sports and Youth about the status of each transfer.

Besides ordinary labor relations, athletes in Montenegro are entitled to awards and reimbursements in accordance with the Law on Sports. These rights include one-time to lifetime reimbursements. Lifetime monthly reimbursements represent a sports pension for athletes with extraordinary sporting results competing for the national team after turning 35 years old and upon acquiring the status under the Law on Sports. The limitations for securing this status are set in terms of competing for another country (after Montenegro's independence in 2006), not having the same status in another country, having Montenegrin citizenship, and adhering to provisions set in Art. 62 and the World Anti-Doping Code (Art.72). The amount ranges from one-half to two average monthly net wages depending on the sports or sporting discipline by the categorization. Another lifetime reimbursement of 50% of the average monthly net wage is intended for athletes who experienced serious injury or illness during the training or competition in sports on the program of the Olympic Games upon providing adequate medical examination certificate with proof determining the level of disability (Art. 76). The stipend represents a sort of financial sports scholarship of 30% of average monthly wage for 12 months, while premium represents a one-time reimbursement for sports excellence in accordance with the Art. 29 for athletes and head coach. Additionally, an athlete selected as an athlete of the year may receive a premium in the amount of four average monthly net wages, while meritorious sports professionals may receive one average monthly net wage.

The awards and reimbursements are conditioned by the categorization of sports that is conducted based on the Rulebook on Criteria for Sports Categorization. This bylaw prescribes the criteria for the categorization of individual and team sports in Montenegro for sports on the program of the Olympic and Paralympic Games and also for the sports that are not part of the OG and PG but are recognized by the IOC (Begović 2025). The criteria include achieved results, tradition, and popularity of sports, organization, and social significance of particular sports in Montenegro. Particularly, international competitions play important role to categorization including results achieved at the following competitions: (1) Olympic Games (Summer/Winter); (2) Paralympic Games (Summer/Winter); (3) World Universiade; (4) Mediterranean Games; (5) Games of the Small States of Europe; (6) Youth Olympic Games; (7) World Cups; (8) European Cups; (9) Final Tournaments of the World League; (10) Final Tournaments of European Club Competitions; (11) Balkan championships; (12) qualifying tournaments of national teams in sports on the program of the Olympic Games (Government of Montenegro 2018).

## Discussion

Despite the specificity of sports in terms of limitation of the duration of the employment relation, and specific working hours, the provisions from Law on Sports and Labor Law must apply in labor relations between athletes and sports organizations. One could argue that the system is set; however, this would be premature, especially keeping in mind the gap between law-on-the-book versus law-in-action. In practice, this is constantly avoided or often bypassed with the adoption of internal regulations resulting in violation of athletes' basic human rights. This gap is coined through the process of institutionalization as part of the development of regulatory mechanisms. The specificity of sports and practiced relations limits the opportunity for unionization and the establishment of appropriate collective bargaining agreements. The root of this challenge lies in the inadequate representation of athletes within governing bodies and decision-making processes (Begović 2021b). The athletes' commissions are either nonexistent or nominally established without core functions to influence governance within particular sports, representing athletes, and empowering their rights, social protection, and wellbeing.

The power structure drives this process either through maintaining, developing, or disrupting formal regimes. Legal realism takes into account the gap between the adoption of legislation and its practice, confirming that institutional interaction is challenged as the public sector and sports movement jointly shape and direct the development or governance of the sports ecosystem, its organizational structure, and regulatory regime (Bantekas & Begović 2024). As a product of this complexity, the transformation of informal practices through process over bypassing regulatory mechanisms translates into formal legal regimes that can suggest the coexistence of institutional contradictions, as suggested in the recent European Commission progress report on Montenegro. As part of law-in-action, these contradictions are rooted in socio-political and cultural patterns shaping institutional relations, as indicated earlier.

The prevalence of informal regimes suggests the domination of clientelist structures and transactional relations in which certain actors (e.g., athletes) are subjected to various pressures (Begović 2021b; Begović 2023). These pressures proved to have a coercive nature that, over time, became socially accepted practices contributing to the maintenance of monopoly (political one). Therefore, the inconsistency in the application of law and the co-existence of conflicting regulations should be observed simply as part of pressures (Begović 2024b).

The recent case from Montenegrin handball that was brought before the European Handball Court of Arbitration (ECA) illustrates the predictability of the rule of law. The case was brought by a professional athlete requesting the club to pay the total amount as indicated in the contract, as the plaintiff received only 2% of the amount for the 2020/2021 season (European Handball Court of Arbitration 2024). In 2020, she was pregnant, and the club was responsible for providing all conditions by the law. As discussed, a professional athlete or any other employee is entitled to compensation during the period of inability to work in accordance with the Law on Health Insurance and related bylaw on rights to temporary incapacity to work and wage compensation. This solution allows the club to obtain a refund for salary

compensation from the Fund for Health Insurance if the employer provides proof of paid contribution for mandatory social insurance and that the employer paid compensation during this period. The Law on Sports (Art. 70) stipulates that sports organizations must reimburse all costs if they fail to provide insurance for athletes.

In this particular case, the Labor Law prescribes special protection for women during the pregnancy period and maternity/parental leave. The sports organization cannot cancel the employment contract of a pregnant employee or/and an employee exercising the right of maternity/parental leave (Art. 123, Paragraph 1 of the Labor Law). For a professional athlete whose fixed-term employment contract expires during pregnancy, the use of temporary inability to work based on pregnancy maintenance or maternity/parental leave, the term for which the employment contract established a fixed-term employment relationship is extended until the expiration of the right (Art. 123, Paragraph 5 of the Labor Law).

According to the Art. 126, paragraph 1 of the Labor Law, an employed woman is entitled to a mandatory maternity leave of 98 days, of which 28 days are before the day of the expected delivery and 70 days after the birth of the child. Following the delivery, parental leave is the right of each of the parents to take leave from work for the care of the child (Art. 127). Parental leave can be used after the expiration of the maternity leave for up to 295/296 days from the day of the child's birth. Further, the Art. 130, Paragraph 1 of the Labor Law sets the legal ground for an employee's rights and return to the same workplace in cases related to Art. 126–127, including rights to improve working conditions to which an employee would have been entitled during leave. During the leave, the wage compensation cannot be lower than the wage compensation in case of temporary inability to work due to pregnancy (Art. 130, Paragraph 2).

An employee who intends to use the right related to maternity/parental leave is obliged to notify the employer one month before the start of using this right (Art. 137). If an employed woman starts working before the child is one year old, in addition to a regular break from work of 30 minutes, she has the right to a paid leave from work for up to two hours a day to breastfeed the child. If an employee decides to resume working during the parental leave, the parent is obliged to transfer the right to the other parent, and it will not be entitled to continuation of the use of parental leave (Art. 127, Paragraph 5 of the Labor Law). Upon the expiry of the leave, the employer is obliged to provide the employee conditions to resume at the same or an appropriate workplace with at least the same wage compensation (Art. 130, Paragraph 3 of the Labor Law). Compensation of a woman's earnings in case of temporary inability to work due to pregnancy is 100% of her earnings during work, per the provisions of Art. 40 of the Law on Mandatory Health Insurance.

The legal representative of a sports organization must submit the request for the reimbursement of funds in the name of salary compensation paid during temporary incapacity to work to the regional unit/branch of the Fund on the prescribed form, according to the place of application of the employee for health insurance. The employer is obliged to submit a request for a refund of salary compensation to the regional unit/branch of the Fund no later than 90 days from the day of payment of salary compensation to the employee for the month for which the refund/reimbursement of salary compensation is requested. According to Art. 30 of the Rulebook on the Detailed Conditions for Providing Basic Material Benefits from Social and Child Protection, in addition to the request for a refund of wages for maternity/parental leave, the employer must provide the following documents:

- Proof of the employee's employment relationship.
- Proof of temporary inability to work.
- The employer's decision on exercising the right to maternity/parental leave.
- IOPPD form.
- The individual analytical account of the tax insured, which contains all monthly IOPPD applications for the period prescribed by Article 51 Paragraph 1 of the Law.
- JPR form from the Tax Administration.
- M4 Form from the Pension and Disability Insurance Fund of Montenegro.
- A commercial bank statement through which the salary that is subject to refund was paid to the beneficiary.

***Every month, sports organizations must submit also:***

- Proof of temporary incapacity for work;
- A statement from the commercial bank through which the salary that is subject to refund was paid to the employee; and
- A certificate from the Tax Administration that the obligations based on taxes and contributions have been settled.

The challenge occurs if the sports organization fails to submit a request or fails to provide any of the documents listed above, as it would lead to an inability to claim wage compensation.

The Handball Federation of Montenegro (RSCG) adopted the Registration Rulebook (Handball Federation of Montenegro, 2017). According to the Law on Sports, the RSCG is the only NSF responsible for governance and exercises a monopoly over handball in Montenegro. Section 2 of the Registration Rulebook (RR) on contracts recognizes three

types of contractual relation: scholarship agreement, agreement on mutual rights and obligations, and employment contract by the law (Art. 70). All sports organizations competing in the first and second league must agree on mutual rights and obligations with registered adult athletes (Art. 71, para. 2). Contracts are concluded for at least 6 months, and at most 8 years (Art. 72, para. 1). According to the RR, the agreement on mutual rights and obligations can be concluded as basic and special (Art. 81). The basic agreement represents a typical membership contract (Art. 82), while special agreement serves as an annex to basic agreement specifying among others compensation, wages and other income or revenues following the law (Art. 83). In accordance with the Art. 84 of the RR, the special agreement possesses the characteristics of a trade secret. The employment contract can be concluded per the Labor Law, as specified in Art. 85 of the RR.

The content of the RR suggests a discrepancy with the Law on Sports, especially in terms of the duration of the contract and labor relations. The Law on Sports in Art. 69, para. 4, limit the duration up to 3 years. Secondly, the freedom to choose the type of contract is limited and based on the provisions of the Law on Sports, whereas professional athletes' obligations include labor relations following the Labor Law with adequate social protection. Therefore, the reasoning and the nature of the agreement on mutual rights and obligations can be evaluated only based on the content vis-à-vis the status of an athlete (amateur, recreational, or professional).

The RR further set an opportunity, in the event of a dispute, for the contractual parties to submit a request for contract termination or fulfillment of contractual obligations before RSCG with a one-year statute of limitations contrary to the Law on Obligations (Art. 105, Art. 108). However, this provision from the rulebook cannot derogate the Statute of the RSCG which recognized ECA and national legislation, in particular, Labor Law and Law on Obligations (Art. 380). This article prescribes that the general limitation period is 10 years, whereas occasional claims are time-barred for five years (Art. 382). In addition, the Labor Law in Art. 143 stipulates that labor claims expire in four years. Therefore, the plaintiff cannot become statute-barred to submit a request, especially as the signed special agreement underlined the jurisdiction of the ECA in case of a dispute (Art. 8 Agreement No. 358).

In this case, concerning the validity, any employment contract shall be considered concluded (and registered) when it is signed by the authorized representative of the sports organization and an athlete, containing the employer's and an employee's information (e.g., Tax Identification Number – TIN) and has employment number from the employer's employment book. In addition, Art 30, paragraph 2 of the Labor Law provides a legal ground for the establishment of an employment relationship even without the conclusion of a written employment contract. Namely, if the employer does not conclude an employment contract with the employee before starting work, and an employee is already engaged in work-related activities, it will be considered to have established an employment relationship for an indefinite period. The reasoning is clear that the RR or special agreement cannot derogate law, and all agreements must be concluded in conformity with the Labor Law. Furthermore, with the discussed provisions of the Labor Law and the Law on Mandatory Health Insurance of Montenegro in mind, the sports organization is obliged to pay the plaintiff the full wage compensation during pregnancy and maternity leave per the signed special agreement.

#### Concluding Remarks

The discussed sports ecosystem operates within complex and diverse challenges ranging from governance to labor relations. Even though the legislative system is interventionist and centralized policymaking, the application of regulations remains inconsistent, reflecting the gap between law-on-the-books and law-in-action. The lack of coordination at a horizontal level within the public sector, and with the sports movement with selective enforcement of rules is not new for countries in transition but continues to underscore the concept of supervised autonomy.

Perhaps one could argue that this is rather fragmented governance as a product of widespread clientelism to limit state intervention aimed at implementing activities of public interest. One of the illustrative examples confirms that major sports organizations fail to comply with labor regulations and tax-related obligations foreseen primarily by the Law on Sports and other appropriate state legislation. Moreover, NSFs derogate state legislation with the adoption of internal regulation operating in a *sui generis* form.

One of the immediate changes should include the development of a new Law on Sports that would regulate professional sports organizations in accordance with the Company Law (Begović 2025). With respect to employment relations, professional athletes should maintain status as defined by the Law on Sports. Following Montenegro's EU accession process, a way forward should include the transposition of the European Union Directive 2019/1152, which addresses the need to protect workers with specific (precarious) jobs. Here, the challenge remains for athletes who are either not professional or participate in sports that do not have strong commercial support (e.g., athletics or combat sports). That said, the classification of athletes from combat sports, for example, needs to enable categorized athletes to sign contracts in the form of scholarships with the Ministry of Defense and the Ministry of Interior. Another solution could lead to the establishment of a specialized Agency as a form of public-private partnership, as in the case of France, that would take care of athletes from other sports, mostly individuals.

#### Note

<sup>1</sup> A top-level result is defined as one of the first three positions.

## Competing Interests

The author has no competing interests to declare.

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