

Playing for Wages: Defining the Legal Relationship of a Professional Athlete and His or Her Team, A Sports Law Perspective on Philippine Labor Law

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Philippine jurisprudence has been consistent in using the four-fold test to determine the presence of an employer-employee relationship. According to this test, for an employer-employee relationship to arise, the following elements must be present: (1) selection and engagement of the employee; (2) payment of wages; (3) power of dismissal over the employee; and (4) power to control the employee's conduct. In this Article, the Author used this four-fold test to determine if professional athletes are considered employees of their respective teams.

The Author defined a professional athlete as someone who receives any kind of payment for participating in sports. Consequently, the Author differentiated the situation of athletes in individual sports and team sports. It was concluded that an employer-employee relationship is not present in individual sports since the necessary element of control by the hiring parties is not present. However, the situation of professional athletes in team sports is different. It was stated by the Author that the four elements under the four-fold test is undoubtedly present in team sports. This form of control usually takes the form of certain philosophy or methodology on how the players of the team must play the game.

Working on this context, the Author further argued that the existence of an employer-employee relationship in sports has number of legal implications — from labor law to taxation law.