



## Sports in the news – what do the employment lawyers think this November?

In light of the men's football world cup this winter, it seems only right to reflect on the monumental success of women's football this year. But even after all they've achieved, the women's teams are paid drastically less than their male counterparts. With such a fast-growing sport, will we see a rise in salaries anytime soon?

In the past couple of months, the Women's Super League ("WSL") attendance record was smashed at the Arsenal v Spurs WSL with the stadium nearly fit to burst at a whopping **47,367 spectators**. Attendance and viewing of this fast-growing sport are increasing, with **46%** of Britons likely to watch women's football in the future. But what does this mean for pay?

The difference between men's and women's salaries in football are stark, with the average annual salary for a Premier League men's team player being around **£4 million** compared to an estimated average of **£47,000** for players in the Women's Super League – meaning men were being paid around 85 times more, on average, than women. Transfer fees are also significantly lower with the WSL record transfer fee of **£350,000** palling in comparison to the **€222 million** men's record. So, what are the rules around equal pay?

### Equal pay for equal work

The **Equality Act 2010** enacts the principle that men and women should receive equal pay for equal work. The legislation operates by implying a clause into contracts known as the "equality clause" which replaces less favourable terms with the equivalent more favourable term from the opposite gender's contract (e.g. a term setting pay). So, for example, where a job carried out by a woman is comparable to that of a man and she is paid less, the law implies a clause into the woman's contract to replace the less favourable terms on pay with the more favourable equivalent from the male comparator's contract. UK equal pay legislation derives from European Union law but, despite Brexit, these laws remain applicable in the UK (for now).

But the equality clause is not implied into the contract if the employer can show that the reason for the difference in pay is due to a material factor that is not, directly or indirectly, sex discriminatory.

If we were to apply these principles hypothetically to men's and women's football, then assuming the work done is equivalent there is



a huge pay differential. However, the drastic difference in revenue between the Premier League and the WSL would likely to be considered a material factor justifying the pay difference. For the men's teams, matchday sales, including tickets, accounts for about **13%** of club revenue and broadcasting accounts for about **57%**. While the WSL is making some progress in improving revenues (for example in March of last year it secured an **£8 million** deal with the BBC and Sky), it still lags behind men's football (men's football secured **£4.8 billion** in broadcasting deals in May 2021).

### What now?

There is clearly a way to go until the WSL teams become as profitable as the men's, but the increased interest in women's football can only lead to greater profits moving forwards and that should lead to higher pay.

There is already great progress being made internationally, with the **US women's team** having success earlier this year in getting US Soccer to commit to providing equal pay, and the **Norway** national team have been committed to equal pay since 2017. With not long to wait for the women's football world cup in 2023, women's football will once again be on centre stage and the conversation on pay for women's teams is likely to make a return to the headlines.