

**Globalisation and the Regulation of Professional Baseball: A
Search for Labour Mobility?**

Thesis submitted by

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THESIS DECLARATION

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name, in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name, for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint-award of this degree.

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ABSTRACT

The globalisation of labour in professional baseball has seen professional teams expand their labour supply beyond national boundaries. Fuelling this trend is the desire to maintain and strengthen the level of competition in professional leagues and to access cheap labour. In this context, the thesis considers the ways in which globalisation has affected the regulation of player mobility, the role of regulatory actors in the regulation of labour mobility in professional baseball and the extent to which the labour of baseball has been commodified. This thesis explores these issues by examining the regulation of labour in three professional baseball leagues and countries: Major League Baseball in the United States, Nippon Professional Baseball in Japan and the Australian Baseball League. Drawing upon theoretical perspectives concerning the nature and purpose of regulatory systems, the thesis attempts to show that the labour rules and practices of each league can violate the legal principle that labour is not a commodity, that is that a player is not property that can be bought and sold. However the leagues adopt different strategies to deal with the effects of globalisation on labour mobility. In addition, the thesis examines labour mobility in each league and how mobility is regulated by contract law, labour law and competition law in each of the three jurisdictions. The thesis also examines the role of internal and external regulatory actors in the regulation of labour in professional baseball. The thesis concludes by proposing a framework for the global regulation of labour in professional baseball that will facilitate both greater labour mobility and access to labour.

ABBREVIATIONS

Australian Baseball League	ABL
Australian Football League Players Association	AFLPA
Australian Rugby League	ARL
Australian Sports Anti-Doping Authority	ASADA
Australian Workplace Agreement	AWA
Bay Area Laboratory Cooperative	BALCO
Chinese Professional Baseball League	CPBL
Committee of Experts on the Application of Conventions and Recommendations	CEACR
Court of Arbitration for Sport	CAS
Entertainment and Sports Programming Network	ESPN
European Court of Justice	ECJ
European Community	EC
European Union	EU
Fair Labor Standards Act	FLSA
Fédération Internationale de Football Association	FIFA
International Labour Organization	ILO
Japan Amateur Baseball Association	JABA
Japan Anti-Doping Agency	JADA
Japan Professional Baseball Players Association	JPBPA
Japan High School Baseball Federation	JHSBF
Korean Baseball Organization	KBO
Major League Baseball	MLB
Major League Baseball Players Association	MLBPA
Media, Entertainment and Arts Alliance	MEAA
Minor League Baseball	MiLB
National Association of Professional Baseball Leagues	NAPBL
National Basketball Association	NBA
National Collegiate Athletic Association	NCAA
National Employment Standards	NES
National Labor Relations Act	NLRA
National Labor Relations Board	NLRB
National Hockey League	NHL
National Rugby League	NRL
New South Wales Rugby League	NSWRL
Nippon Professional Baseball	NPB
Society for American Baseball Research	SABR
Sports Agent Responsibility and Trust Act	SPARTA
Third Party Ownership	TPO
Union of European Football Associations	UEFA
United States Anti-Doping Agency	USADA
World Anti-Doping Agency	WADA
World Baseball Classic	WBC
World Baseball Softball Confederation	WBSC