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

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For the award of Doctor of Philosophy

February 2017

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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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24 February 2017
ACKNOWLEDGMENTS

I would like to begin by thanking my wife, Emma Litleton, for her patience during my PhD candidacy. Her unconditional love and support for over ten years can never be repaid and this support continues to help me work towards my career goals. Also, it would be reminisce of me not to thank the Litleton family for their support.

Completing my thesis would not have been possible without the enthusiasm and support of my three supervisors: Professor Andrew Stewart, Emerita Professor Rosemary Owens and Professor Kent Anderson. Kent was instrumental in helping me become a PhD candidate at the Adelaide Law School and in finding suitable supervisors for my thesis topic. I would like to thank Andrew Stewart for his unreserved interest and enthusiasm in my PhD topic and, Rosemary Owens for her supervision in the areas of international labour law and regulatory theory. All three supervisors have not only assisted me in my candidacy but also in my development as an academic. This support is truly appreciated.

Gratitude needs to be extended to Professor Keiji Kawai from Doshisha University in Kyoto. Our collaborative research led to the research topic that became this thesis. I would also like to thank my colleagues at the Department of Business Law and Taxation at Monash University who have encouraged me to pursue my research interests: Professor Vince Morabito, Professor Richard Mitchell, Professor Chris Arup, Professor John Gillespie, Professor Michelle Welsh and Associate Professor Carolyn Sutherland. In addition I would like to thank my former colleagues and teachers: Professor Neil Andrews, Professor Bruno Zeller, Associate Professor Michael Longo, Associate Professor Scott Beattie and Dr Chris Brien. Thanks should also be extended to the examiners for their feedback, which was used to strengthen this thesis.

The world of baseball and professional sports does not operate in the world of academia and I have been fortunate to have access to players, coaches and administrators in various professional baseball leagues. I would to thank the Saitama Seibu Lions and specifically, Ono Kazuyoshi and Hanyu Seigo. In addition I would like to thank the Melbourne Aces, Justin Huber and Phil Dale for giving me access and insight into the world of professional baseball.

I would also like to thank my friend and former coach Chris Wheeler, who taught me the game of baseball and guided me through life. Thanks should also be directed to Sean, Lina and Liam Parnell for encouraging me to pursue my passions, along with Ray Gordon for his support and friendship.

This thesis is dedicated to the memory of Angelo Litleton and Chris Wheeler.
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

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