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**Regulation of the Labor of Athletes and Coaches in the Russian Federation and
the Republic of Belarus: a Comparative Legal Analysis**

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5.1.2. Public Law (State Law) Sciences

GENERAL RESEARCH DESCRIPTION

Relevance of the Research Topic

The field of physical culture and sports in the Russian Federation has always held a special place. During a meeting of the Council for the Development of Physical Culture and Sports on October 19, 2023, President of the Russian Federation, V. V. Putin, stated that «sports is one of the state priorities. The attitude towards it should be appropriate»¹.

Indeed, as a result of changes to the Labor Code of the Russian Federation (hereinafter – RF Labor Code) in 2008, the foundation for the regulatory framework governing the labor of athletes and coaches in the Russian Federation was established – chapter 54.1 of the RF Labor Code «Peculiarities of Regulating the Labor of Athletes and Coaches». However, over the course of 16 years, the provisions of this chapter have undergone almost no changes (only 9 amendments), despite the fact that the field of physical culture and sports in the Russian Federation has faced periods of disqualification of athletes and coaches, legal disputes, restrictions related to epidemiological situations, and discrimination against Russian athletes and coaches by international sports organizations.

At the same time, scientific literature indicates a trend towards the professionalization of the sports sector, meaning that sports subjects are engaging in professional activities in the field of sports. The original concept of amateur participation in sports competitions cannot be realized in contemporary realities, as it assumed that athletes and coaches should engage in sports while simultaneously performing their primary occupational functions. Modern demands are such that to achieve sporting results, athletes must dedicate all their time to training and participating in sports competitions, while coaches must conduct training sessions and manage the athletes' competitive activities. Consequently, it becomes impossible to work in another profession.

¹ Official website of the President of the Russian Federation: [Electronic resource]. URL: <http://kremlin.ru/events/councils/by-council/8/72552> (accessed on: 03.01.2024).

However, despite the scientific trend towards the professionalization of the sports sector, Federal Law № 329-FZ of December 4, 2007 «On Physical Culture and Sports in the Russian Federation» (hereinafter – Law № 329) does not contain definitions for «professional athlete» and «professional coach». Moreover, a number of existing norms of chapter 54.1 of the RF Labor Code do not meet modern requirements and, in some parts, contradict Law № 329.

In this regard, the most valuable experience for regulating the labor of athletes and coaches can be gained from countries where definitions of professional athlete and professional coach exist. One such country is the Republic of Belarus, which has developed unique legislation in the field of sports and in regulating relationships between athletes/coaches and employers/contractors.

Moreover, as part of the implementation of the treaty between the Russian Federation and the Republic of Belarus dated December 8, 1999, «On the Establishment of the Union State», Decree № 2 «On the Main Directions for the Implementation of the Provisions of the Treaty on the Establishment of the Union State for 2024–2026» (hereinafter – Directions) was adopted on January 29, 2024. One of the tasks set out in the Directions is the «development and implementation of a program for the harmonization and unification of the interaction between the Republic of Belarus and the Russian Federation in the field of physical culture and sports (roadmap)»².

On February 16, 2024, it was reported that, as part of the implementation of the Directions, a «meeting of the working group on the development of the Program for the Harmonization and Unification of Interaction between the Russian Federation and the Republic of Belarus in the Field of Physical Culture and Sports took place.

² Decree № 2 of the Supreme State Council of the Union State "On the Main Directions for the Implementation of the Provisions of the Treaty on the Establishment of the Union State for 2024-2026" // Official website of the Union State <https://посткомсг.рф/>, 31.01.2024.

During the meeting, the parties agreed on the structure of the Program draft, which aims at the convergence and unification of sports legislation, specifically: the harmonization of national sectoral documents on the development of physical culture and sports, the development of regulatory legal acts for the unification of legislative norms in the sports field, the implementation of joint activities in the field of physical culture and sports, coordinated interaction, and the protection of the rights of Russian and Belarusian athletes on international platforms»³.

Thus, at present, the Program will aim at unifying Law № 329 and the Law of the Republic of Belarus № 125-Z of January 4, 2014, «On Physical Culture and Sports» (hereinafter – Law № 125).

At the same time, the activities of athletes and coaches in professional sports in the Russian Federation are regulated by labor legislation, Law № 329, as well as the norms adopted by international sports organizations, all-Russian sports federations, professional sports leagues, and the regulations (rules) of professional sports competitions (part 3, article 19.1 of Law № 329).

In the Republic of Belarus, relationships arising in professional sports are regulated by the Civil Code of the Republic of Belarus, the Labor Code of the Republic of Belarus, Law № 125, and other legislative acts of the Republic of Belarus (part 2, article 55 of Law № 125).

Based on the above, it can be concluded that the unification of the legislation of the two countries in the field of physical culture and sports should include not only the norms provided by Law № 329 and Law № 125 but also other regulatory legal acts governing relations in the field of physical culture and sports in both countries, including labor law norms.

³ A program is being developed for the harmonization and unification of interaction between Russia and Belarus in the field of physical culture and sports // Official website of the Ministry of Sports of the Russian Federation: [Electronic resource]. URL: <https://www.minsport.gov.ru/press-center/news/razrabatyvaetsya-programma-po-garmonizaczii-i-unifikaczii-vzaimodejstviya-rossii-i-belarusi-v-sfere-fizicheskoy-kultury-i-sporta/> (accessed on: 17.06.2024).

The scientific relevance of the research topic is due to the need to harmonize and unify the legislation of the two states in the field of physical culture and sports, taking into account the established approaches to understanding the peculiarities of regulating the relationships that arise between athletes/coaches and employers/contractors in the territories of both states. Accordingly, this research is a relevant scientific work aimed at studying the legal nature of the relationships arising between athletes/coaches and employers/contractors in the Russian Federation, identifying legal gaps and shortcomings in the current regulation through a comparative legal analysis of the legislation and law enforcement practices of the two countries.

The object of this research is the social relations formed during the labor activities of athletes and coaches in the Russian Federation and the Republic of Belarus.

The subject of the research includes the regulatory acts of sports organizations, as well as the regulatory legal acts of the Russian Federation and the Republic of Belarus, which govern the specific features of the relationships arising between athletes/coaches and employers/contractors. Additionally, the subject of this research encompasses the acts of judicial authorities of the Russian Federation, decisions of the Court of Arbitration for Sport (CAS), decisions of jurisdictional bodies of sports organizations, and previously conducted scientific studies

Degree of Development of the Research Topic

The theoretical basis of the study includes the works of researchers from the Russian Federation and the Republic of Belarus who have studied the specifics of regulating relationships between athletes/coaches and employers/contractors.

General issues related to the specifics of regulating relationships between athletes/coaches and employers/contractors have been addressed in the works of: S.V.

Alexeyev⁴, M.O. Buyanova⁵, Yu.V. Zaytsev⁶, L.I. Zakharova⁷, V.S. Kamenkov⁸, T.Yu. Korshunova⁹, I.V. Ponkin and A.I. Ponkina¹⁰, D.I. Rogachev¹¹, V.M. Smorchkova¹², K. Foster¹³, S.A. Yurlov¹⁴.

Several aspects of regulating labor relations involving professional athletes in the Russian Federation have become subjects of research in candidate dissertations: S.V. Vasilyeva's «Features of the Employment Contract of Professional Athletes and Dispute Resolution in the Field of Professional Sports» (2006)¹⁵, N.A. Ovchinnikova's «Legal Regulation of Professional Sports in the Russian Federation: General Legal Analysis» (2008)¹⁶, and S.A. Tukmanov's «Features of the Labor Law Status of a

⁴ Alexeyev S.V. Olympic Law. Legal Foundations of the Olympic Movement: Textbook for University Students Studying in the Fields of «Jurisprudence» and «Physical Culture and Sports» / S.V. Alexeyev; Ed. by P.V. Krasheninnikov. Moscow: YUNITI-DANA: Law and Right, 2018. 687 p.; Alexeyev S.V. International Sports Law: Textbook for University Students Studying in the Fields of 030500 «Jurisprudence» and 032101 «Physical Culture and Sports» / S.V. Alexeyev; Ed. by P.V. Krasheninnikov. Moscow: YUNITI-DANA: Law and Right, 2018. 895 p.; Alexeyev S.V. Sports Law: Textbook for University Students Studying in the Fields of «Jurisprudence» and «Physical Culture and Sports» / S.V. Alexeyev; Ed. by P.V. Krasheninnikov. 5th ed., revised and supplemented. Moscow: YUNITI-DANA: Law and Right, 2018. 927 p.; Alexeyev S.V. Football Law: Textbook for University Students Studying in the Fields of «Jurisprudence» and «Physical Culture and Sports» / S.V. Alexeyev; Ed. by P.V. Krasheninnikov. Moscow: YUNITI-DANA: Law and Right, 2019. 879 p.; Alexeyev S.V., Buyanova M.O., Chebotarev A.V. Sports Law: Contractual Relations in Sports: Textbook for University Students / S.V. Alexeyev, M.O. Buyanova, A.V. Chebotarev; Ed. by S.V. Alexeyev. Moscow: Yurayt, 2020. 107 p.

⁵ Alexeyev S.V., Buyanova M.O., Chebotarev A.V. Sports Law: Contractual Relations in Sports: Textbook for University Students / S.V. Alexeyev, M.O. Buyanova, A.V. Chebotarev; Ed. by S.V. Alexeyev. Moscow: Yurayt, 2020. 107 p.; Buyanova M.O. Sports Law. General Theory: Textbook for Bachelor's and Master's Degrees. Moscow: Yurayt, 2019. 154 p.; Buyanova M.O. Theory of Sports Law: Monograph. Moscow: Yurayt, 2019. 154 p.

⁶ Zaytsev Yu.V., Rogachev D.I. Workdays in the World of Sports: Features of Labor Regulation for Athletes and Coaches. Moscow: Statut, 2012. 182 p.

⁷ Zakharova L.I. International Sports Law: Textbook for Bachelor's Degree Students / Ed. by K.A. Bekyashev. Moscow: Prospekt, 2017. 272 p.

⁸ Kamenkov V.S. Sports Law of the Republic of Belarus: Textbook / V.S. Kamenkov [et al.]; Ed. by V.S. Kamenkov. Minsk: Chetyre Chetverti, 2019. 422 p.

⁹ Korshunova T.Yu. Development of Legislation on the Employment of Professional Athletes / T.Yu. Korshunova // Labour Law. 2006. № 5. Pp. 56-66.

¹⁰ Ponkin I.V., Ponkina A.I. On the Correlation between "Lex Sportiva" and Sports Law / I.V. Ponkin, A.I. Ponkina // Bulletin of the Russian University of Friendship of Peoples. Series "Legal Sciences". 2012. № 3. Pp. 109-118.

¹¹ Zaytsev Yu.V., Rogachev D.I. Working Days in the World of Sports: Features of Labor Regulation for Athletes and Coaches. Moscow: Statut, 2012. 182 p.

¹² Smorchkova V.M. Labor Law Status of Professional Athletes in the Republic of Belarus / V.M. Smorchkova // Sports Law in the Republic of Belarus. 2014. Issue 4. Pp. 376-386.

¹³ Foster K. Lex Sportiva and Lex Ludica: The Court of Arbitration for Sport's Jurisprudence / K. Foster // Entertainment and Sports Law Journal. 2016. Vol. 3. № 2. P. 1-14.

¹⁴ Yurlov S.A. Right to Judicial Protection in the Field of Sports: Some Current Issues. Moscow: Infotropik Media, 2018. 148 p.

¹⁵ Vasiliev S.V. Features of the employment contract of professional athletes and the consideration of disputes in the field of professional sports: abstract of the dissertation for the degree of Candidate of Juridical Sciences. Moscow, 2006. 218 p.

¹⁶ Ovchinnikova N.A. Legal regulation of professional sports in the Russian Federation: general legal analysis: abstract of the dissertation for the degree of Candidate of Juridical Sciences. Moscow, 2008. 27 p.

Professional Football Player» (2007)¹⁷. All these studies are related to the definition of a «professional athlete», which is absent in the legislation of the Russian Federation. Furthermore, they separately examine the specifics of professional athletes' work, rather than the comprehensive aspects of regulating the labor of all athletes.

In A.V. Chebotarev's dissertation research «Labor Law Aspects of Violation of Anti-Doping Rules by Athletes and Coaches in the Russian Federation» (2020)¹⁸, specific aspects of regulating athletes' work in the Russian Federation are examined from the perspective of anti-doping rules.

The regulation of coaches' labor in the Russian Federation has been studied in several doctoral dissertations: A.M. Aguzarov's «Modern Aspects of Legal Regulation of Athletes' and Coaches' Labor» (2013)¹⁹, A.E. Bazykina's «Legal Regulation of Coaches' Labor» (2012)²⁰, and A.S. Leonova's «Legal Regulation of Athletes' and Coaches' Labor: Problems and Development Perspectives» (2009)²¹.

Of particular note is M.A. Lebedeva's doctoral dissertation «Comparative Analysis of Legal Regulation of Athletes' Labor in the Russian Federation and the Federal Republic of Germany» (2016)²². This work provided recommendations for further development of norms regulating the labor of athletes and coaches in Russia based on the experience of Germany.

The scientific research of O.A. Shevchenko, particularly «Features of Legal Regulation of Professional Athletes' Labor» (2005)²³ and «Legal Doctrine of Labor Regulation in Professional Sports and Ways of its Implementation in Russia» (2015)²⁴,

¹⁷ *Tukmanov S.A.* Features of the labor law status of a professional football player: abstract of the dissertation for the degree of Candidate of Juridical Sciences. Moscow, 2007. 25 p.

¹⁸ *Chebotarev A.V.* Labor law aspect of violations of anti-doping rules by athletes and coaches in the Russian Federation: abstract of the dissertation for the degree of Candidate of Juridical Sciences. Moscow, 2020. 71 p.

¹⁹ *Aguzarov A.M.* Modern Aspects of Legal Regulation of Athletes' and Coaches' Labor: Author's Abstract of the Dissertation for the Degree of Candidate of Legal Sciences. Moscow, 2013. 25 p.

²⁰ *Bazykin A.E.* Legal Regulation of Coaches' Labor: Author's Abstract of the Dissertation for the Degree of Candidate of Legal Sciences. Moscow, 2012. 30 p.

²¹ *Leonov A.S.* Legal Regulation of Athletes' and Coaches' Labor: Problems and Development Perspectives: Dissertation for the Degree of Candidate of Legal Sciences. Moscow, 2009. 210 p.

²² *Lebedeva M.A.* Comparative Analysis of Legal Regulation of Athletes' Labor in the Russian Federation and the Federal Republic of Germany: Author's Abstract of the Dissertation for the Degree of Candidate of Legal Sciences. Moscow, 2016. 31 p.

²³ *Shevchenko O.A.* Features of Legal Regulation of Professional Athletes' Labor: Author's Abstract of the Dissertation for the Degree of Candidate of Legal Sciences. Moscow, 2005. 24 p.

²⁴ *Shevchenko O.A.* Legal Doctrine of Labor Regulation in the Field of Professional Sports and Ways of its Implementation in Russia: Dissertation for the Degree of Doctor of Legal Sciences. Moscow, 2015. 371 p.

directly influenced current norms governing the labor of athletes and coaches in the Russian Federation. However, Shevchenko's works do not include an analysis of norms regulating the labor of athletes and coaches in the Republic of Belarus.

V.P. Vasykevich's study «Legal Regime of Athlete's Professional Activity: A Civil Law Study» (2023)²⁵ also focuses on the peculiarities of regulating relationships that arise between athletes/coaches and employers/hirers/clients. Vasykevich considers these relationships as composite and proposes using civil law mechanisms as their foundation.

It should be noted that many of the aforementioned studies have significantly lost their relevance due to amendments made to specific laws and regulations. Furthermore, comprehensive studies comparing the legal norms regulating the labor of athletes and coaches in the Russian Federation and the Republic of Belarus have not yet been conducted.

The aim of the study is to develop a balanced and optimal system for regulating the labor of athletes and coaches in the Russian Federation, serving as a tool to create a unified concept of legal regulation of athletes' and coaches' labor in the territories of the Russian Federation and the Republic of Belarus.

The achievement of this goal is pursued through the resolution of the **following tasks**:

- classification of sources of sports law regulating the labor of athletes and coaches in the Russian Federation and the Republic of Belarus;
- study and analysis of norms characterizing the peculiarities of relationships involving athletes and coaches in the Russian Federation and the Republic of Belarus;
- examination of the concept of «coach» with identification of coach categories;
- identification of legal gaps and deficiencies arising in the implementation of norms regulating relationships between athletes/coaches and

²⁵ Vasykevich V.P. Legal Regime of Athlete's Professional Activity: Civil Law Study: Author's Abstract of the Dissertation for the Degree of Doctor of Legal Sciences. Kazan, 2023. 65 p.

employers/hirers/clients in the Russian Federation and the Republic of Belarus;

- development of proposals to improve legislation in the Russian Federation concerning the regulation of athletes' and coaches' labor, aiming for subsequent harmonization and unification of legislation between the Russian Federation and the Republic of Belarus.

The research question revolves around the possibilities of:

- changing the existing paradigm of perception of regulatory acts of sports organizations as sources that regulate the specifics of relationships between athletes/coaches and employers/employers/clients within the territories of two states.

- changing the existing paradigm of regulating the labor of athletes and coaches based on employment contracts within the territory of the Russian Federation.

- harmonizing and unifying the legislation of the Russian Federation and the Republic of Belarus, using existing regulatory legal acts of the Republic of Belarus as a basis to regulate the specifics of relationships between athletes/coaches and employers/clients.

Methodology and research methods

The research methodology is based on the comparative legal method, incorporating doctrinal, functional, and contextual approaches. The simultaneous application of these approaches enables a comprehensive analysis of the interrelationships and interdependence of regulatory legal acts that govern the relationships between athletes/coaches and employers/employers/clients.

Additionally, the research employs a diachronic method, allowing for comparisons of legal facts and phenomena across different historical periods. This method helps determine the historical influence of legal facts and phenomena on current regulatory legal acts governing relationships between athletes/coaches and employers/employers/clients.

Furthermore, the study utilizes methods such as analysis and synthesis to achieve its objectives and tasks effectively. These methods contribute to a thorough examination and synthesis of information necessary for the research.

In summary, the methodology encompasses comparative legal analysis, diachronic examination of legal phenomena, and analytical synthesis, aiming to provide a comprehensive understanding of the legal framework governing sports-related relationships across different historical contexts.

The empirical and normative basis of the research includes: 1) Current and expired regulatory legal acts of the Russian Federation and the Republic of Belarus; 2) Legal acts of national, foreign, and international sports organizations; 3) Acts of judicial authorities of the Russian Federation; 4) Decisions of the Court of Arbitration for Sport (CAS) and national jurisdictional bodies of sports organizations; 5) Scientific publications on the subject of the research.

The scientific novelty of the research lies in being the first comparative study in domestic legal science on the regulation of labor relations of athletes and coaches in the Russian Federation and the Republic of Belarus. It represents an attempt to develop a comprehensive concept of legal regulation of labor relations for athletes and coaches in both countries.

The study includes a historical analysis for the first time, examining facts and phenomena of legal life in different historical periods of the Russian Federation and the Republic of Belarus that have influenced current regulatory legal acts governing relationships between athletes/coaches and employers/contractors within the territories of both states. Translations of decisions from the Court of Arbitration for Sport and jurisdictional bodies of sports organizations are also provided in Russian.

The following theoretical positions are put forward for defense:

1. The conducted comparative analysis of the regulation of labor relations for athletes and coaches allowed identifying three main approaches in the Russian Federation and the Republic of Belarus:

– regulation based on elements of labor law, characteristic of Russian law. The only regulatory legal act governing relations between athletes/coaches and employers is the RF Labor Code, which establishes specifics for regulating the labor of athletes and coaches in chapter 54.1.

– regulation based on elements of civil law, characteristic of Belarusian law.

The categorization of athletes (athlete, professional athlete) and coaches (coach, professional coach) in the Republic of Belarus allows the legislature to regulate relations between athletes/coaches and employers using the Civil Code of the Republic of Belarus.

– regulation in accordance with Belarusian law through a combination of elements from civil and labor law. As noted earlier, due to the categorization of athletes and coaches, the legislature of the Republic of Belarus has defined that relations between professional athletes/professional coaches and employers/customers can be regulated within both labor law (Labor Code of the Republic of Belarus) and civil law (Civil Code of the Republic of Belarus, Resolution of the Ministry of Sports of the Republic of Belarus dated July 14, 2014, № 26 «On Features of Conclusion of Civil Law Contracts in the Field of Professional Sports»). In this case, the parties independently determine the branch of law under which their relations will be regulated. It is important to note that this feature applies exclusively to professional athletes and professional coaches.

An important aspect is that under the influence of «litvinism», certain provisions of the Labor Code of the Republic of Belarus concerning the regulation of labor for professional athletes and professional coaches resemble civil law provisions more closely, shifting the focus from labor function to the final result (article 314.2 and article 314.11 of the Labor Code of the Republic of Belarus).

2. The identified approaches have enabled the formation of a system of specific features of relations between athletes/coaches and employers/contractors in the territories of the two states, expressed in cross-sectoral regulation of these relations with the following characteristic elements:

- special regulatory sources governing relations between athletes/coaches and employers/contractors (legislative acts, regulatory norms of sports organizations, «lex ludica», «lex specialis»).
- special composition of subjects in relations (athlete, professional athlete, amateur athlete, coach, professional coach, coach-instructor, senior coach-instructor, sports organizations, anti-doping organizations).

- special conditions for contracts between athletes/coaches and employers/contractors (obligation of athletes to adhere to training regimes, participate in sports competitions only as directed by the employer, provide information on their whereabouts in accordance with national anti-doping rules for doping control, obligation of coaches to comply with national anti-doping rules and rules established by international anti-doping organizations, take measures to prevent violations of these anti-doping rules by athletes, obligation of employers to provide accommodation for athletes and coaches).

- possibility of imposing special disciplinary responsibility on athletes and coaches.

- specific sports responsibilities for athletes and coaches as provided in acts of sports federations, leagues, and clubs (e.g., in football, athletes and coaches receive yellow cards (warning) or red cards (requirement to leave the football field immediately until the end of the match) for violations of «lex specialis»).

- special grounds for termination of contracts between athletes/coaches and employers/contractors.

3. The proposed author's classification of sources regulating relations between athletes/coaches and employers/contractors in the territories of the two states consists of:

- 1) Legislative acts – Constitution of the Russian Federation; RF Labor Code; Law № 329.

- 2) System of heterogeneous provisions developed by national and international sports organizations, as well as through the activities of the Court of Arbitration for Sport (CAS), including:

- decisions of the Court of Arbitration for Sport (CAS);
- regulatory norms of sports organizations;
- «lex ludica» (sports regulations developed by national and international non-governmental sports organizations, aimed at ensuring behavioral norms for all participants in sports competitions);

– «lex specialis» (rules developed by specialized international sports organizations, addressing all sports and related to a unified issue).

4. Based on the definitions provided in the legislation of the Republic of Belarus, the following clarification is proposed for inclusion in the current legislation of the Russian Federation:

a) *Sports disqualification* - a sports sanction imposed by organizers of sports events in a specific sport or sports, in the form of suspension for a certain period of time, for a specified number of games (matches), or lifetime ban on participation in sports events for athletes, coaches, sports referees, other subjects of physical culture and sports, and animals participating in sports competitions, for violations of rules of sports competitions in a specific sport or sports, provisions on conducting (regulations of conducting) sports events, decisions of organizers of sports events in a specific sport or sports.

b) *Professional athlete* - a sportsman for whom engaging in professional sports is the primary activity conducted under a labor or civil law contract, and who receives a salary and/or remuneration (income) for sports training, participation in sports competitions, and achieved sports results.

c) *Professional coach* - a coach engaged in professional sports based on a labor or civil law contract, receiving a salary and/or remuneration (income) for sports training of a professional athlete (team of athletes) and overseeing their training and/or competitive activities.

5. To determine the specifics of relationships arising between athletes/coaches and employers/clients/employers, a legally significant circumstance is the distinction between team and individual sports. Currently, there are no such definitions in legislation, so the following definitions are proposed:

– *Team sport* – sports where the rules provide for the participation of two or more participants and allow for substitution of team members during the competition;

– *Individual sport* – sports where the rules provide for the participation of a single participant and prohibit substitution of the participant during the competition.

6. Since athletes, professional athletes, coaches, professional coaches, as well as coaches and athletes in individual sports of the national sports teams of the Russian Federation have different relationship characteristics with employers, it is justified to conclude that the provisions of chapter 54.1 of the RF Labor Code should apply only to professional athletes, professional coaches, coaches, and athletes in individual sports of the national sports teams of the Russian Federation. This distinction needs to be reflected in the legislation of the Russian Federation, as partially implemented in the Republic of Belarus in the Labor Code of the Republic of Belarus.

7. Currently, the legally defined concept of a «coach» is incomplete as it does not encompass all athletes' coaches may work with. Specifically, working with underage athletes requires a special category of coaches known as «coach-instructors», who must meet the requirements applicable to educational professionals, necessitating appropriate legislative clarification. Therefore, the proposed author's definition of a coach-instructor is as follows:

– *Coach-instructor* – is an individual with relevant vocational or higher education, engaged in educational activities, performing duties related to teaching, educating students, and/or organizing educational activities. This includes organizing educational and training processes, conducting educational and training events with students, as well as guiding their competitive activities to achieve sports results.

8. The conclusion is that the specified list of mandatory terms of employment contracts under article 348.2 of the RF Labor Code for professional athletes, professional coaches, coaches, and athletes in individual sports disciplines of the national sports teams of the Russian Federation is incomplete. These terms should also include:

– the mandatory attendance of professional athletes or professional coaches in the national sports team of the Russian Federation as per the employer's written instructions;

– the obligation of professional athletes, professional coaches, coaches, and athletes in individual sports disciplines of the national sports teams of the Russian Federation to comply with all rules of sports competitions in their respective sports and

regulations governing the conduct of such competitions (competition regulations) where they perform their labor functions;

– the obligation of professional coaches and coaches of individual sports disciplines of the national sports teams of the Russian Federation to comply with anti-doping rules.

Currently, these conditions are considered additional terms. However, due to the specific nature of the sports sphere, they should be mandatory and included in the employment contract.

9. Justified is the conclusion regarding the expediency of including in the terms of the employment contract with a professional coach the obligation to make compensatory monetary payments in case of early termination of the employment contract at the initiative of the professional coach without valid reasons.

10. Justified is the necessity of legislatively establishing a special right for athletes, which entails sports organizations issuing a certificate of participant in sports competitions, granting the right to participate in sports competitions held under the auspices of the corresponding sports organization.

In order to create a balanced and optimal mechanism for regulating the labor of athletes and coaches, the theoretical principles mentioned have enabled the **formulation of proposals** (Appendices A and B) for amendments to the current legislation of the Russian Federation.

The theoretical significance of the dissertation research

The theoretical significance of the dissertation research lies in filling the gap in comparative legal studies of labor regulation for athletes and coaches in the Russian Federation and the Republic of Belarus. The theoretical principles and conclusions within the dissertation expand the understanding of shared approaches and issues in labor relations within the sports sector for both countries. This contributes to the development of the scientific foundations of sports law and labor law in the Russian Federation and the Republic of Belarus.

The practical significance of the dissertation research

The findings and conclusions presented in the dissertation can be utilized to

further improve the legal regulation of labor for athletes and coaches in the Russian Federation. They can also serve as a foundation for developing a modern concept of legal regulation of labor for athletes and coaches in both the Russian Federation and the Republic of Belarus.

Moreover, the insights from the dissertation research can contribute to the development of educational materials such as textbooks and courses in labor law and sports law.

The reliability and validation of the research results

Based on the results of the dissertation research, the following articles have been published in journals included in the recommended list of HSE University journals (lists C and D):

1. *Melnik V.N.* Some features of labor regulation of athletes in the Republic of Belarus // *Human. Sport. Medicine.* 2022. Vol. 22. № S1. P. 148–151.

2. *Melnik V.N.* Comparative analysis of norms regulating the labor of athletes and coaches in the Russian Federation and the Republic of Belarus // *Journal of Foreign Legislation and Comparative Law.* 2023. Vol. 19. № 3. P. 135–142.

3. *Alexeev S.V., Kamenkov V.S., Melnik V.N.* Harmonization of the system of bodies for consideration and resolution of sports disputes // *Arbitration and Civil Procedure.* 2023. № 6. P. 3–8.

From the Additional List of Publications Considered by the Dissertation Council of HSE University in Law for Dissertation Defense:

4. *Melnik V.N.* Harmonization of the structure of «lex sportive» // *Actual Problems of Russian Law.* 2022. Vol. 17. № 11. P. 100–110.

Publications in other scientific journals listed by Higher Attestation Commission:

5. *Alexeev S.V., Kutashyovskaya Y.S., Melnik V.N., Sattarov N.G.* On «lex sportive» as a source of sports law // *Sport: economy, law, management.* 2019. № 2. P. 5–8.

6. *Melnik V.N.* Legality of financial punishment mechanisms applicable to a sportsman by an employer for undue performance of the sportsman's labor function as an

employee // Sport: economy, law, management. 2021. № 1. P. 20–23.

7. *Alexeev S.V., Melnik V.N.* Doping in Computer Sports: Legal Aspects // Juridical World. 2021. № 5. P. 50–53.

Additionally, the research findings were presented by the applicant through speeches and presentations at legal forums, scientific-practical conferences, and international conferences:

1. VII Student legal forum (Moscow, 2020). Report: «The need to improve labor law with regards to regulating athletes' employment»;

2. XX International scientific-practical conference «Kutafin Readings» of the Kutafin Moscow State Law University and XXII International scientific-practical conference of the law faculty of Lomonosov Moscow State University (Moscow, 2021). Report: «Video games as the foundation of eSports»;

3. VIII Student legal forum (Moscow, 2021). Report: «Some specifics of regulating athletes' labor in the territory of the Republic of Belarus»;

4. VII International Conference «Innovations in sport, tourism, and education icISTIS – 2022» (Chelyabinsk, 2022). Report: «Harmonization of the definition of the concept of coach»;

5. Graduate legal forum of GAUGN 2023 «Transformation of Russian law: trends, guidelines and solutions» (Moscow, 2023). Report: «Presidential scholarship of the Russian Federation for athletes and specialists in the field of physical education and sports»;

6. X Student legal forum (Moscow, 2023). Report: «On the social support of athletes».

STRUCTURE AND CONTENT OF THE WORK

The structure of the dissertation consists of an introduction, three chapters that include nine paragraphs in total, a conclusion, and a list of references.

The introduction includes justification of the relevance of the research topic, definition of the object and subject of the research, degree of elaboration of the research

topic, its scientific relevance and novelty. The goals, objectives of the research, and the research question are outlined. A characterization of the methodology used in the work is provided. The empirical and normative basis of the research is presented. Theoretical propositions, forming the basis of the implemented research and submitted for defense, are formulated. Information on the validation of research results in scientific articles and oral presentations by the author at conferences is provided.

The first chapter «Formation and current state of legal regulation of employment of athletes and coaches» is dedicated to the historical analysis of the norms governing the employment of athletes and coaches in the Russian Federation and the Republic of Belarus, as well as the examination of their current status.

In paragraph 1.1 «Formation of legal regulation of employment of athletes and coaches in the Russian Federation» the historical periods leading to the establishment of modern norms in the RF Labor Code are analyzed. The historical analysis takes into account the development of legal regulation in the sports sector within the territory of the Russian Federation, as these two aspects are interdependent.

In the formation of modern norms of the RF Labor Code, several temporal periods can be identified, demonstrating that the aggregate of historical facts led the legislature to a unified understanding of the peculiarities of regulating the labor of athletes and coaches within labor law.

The legislature's perception of the sports sphere as a training ground for personnel for the armed forces, along with the regulation of individual elements of the sports sphere – both amateur and elite sports – has led to the following:

- until 1993, there was no specialized comprehensive regulation of the sports sphere in the territory of the Russian Federation;
- until 2008, there were no specific provisions regulating the labor of athletes and coaches in the territory of the Russian Federation. Regulation was carried out based on general norms of labor legislation. Athletes and coaches were perceived as workers, military personnel, and civil servants;
- several modern sports organizations are affiliated with the armed forces or executive authorities of the Russian Federation, which currently directly affects the

ability of athletes and coaches from the Russian Federation to perform their labor functions at the international level.

The analysis conducted demonstrates that the absence of influence from the laws of third countries on the legal system of the Russian Federation, the historical territorial integrity of the modern borders of the Russian Federation, and the unified historical attitude of authorities towards the perception of the sports sphere have led to a unified understanding of the peculiarities of regulating the labor of athletes and coaches within labor law. Furthermore, confirmation of this argument is evidenced by the fact that the only regulatory legal act governing the relationships between athletes/coaches and employers in the territory of the Russian Federation is the RF Labor Code.

In paragraph 1.2 «Formation of legal regulation of labor for athletes and coaches in the Republic of Belarus» aspects of the formation of existing norms of labor legislation regulating the labor of athletes and coaches in the territory of the Republic of Belarus are analyzed.

Similarly to the previous paragraph of this chapter, a periodization of the formation of legal regulation of labor for athletes and coaches in the Republic of Belarus was conducted, through which historical facts significantly influencing the content of existing norms of labor legislation regulating the labor of athletes and coaches in the territory of the Republic of Belarus were identified.

This historical fact is that the territorial integrity of the modern borders of the Republic of Belarus formed relatively recently. The eastern territories of the Republic of Belarus have been historically associated with the Russian Empire, the USSR, and shared common normative-legal regulation. Meanwhile, the western territories of modern Belarus were initially influenced by the legislation of the Grand Duchy of Lithuania, then the Polish-Lithuanian Commonwealth, the Kingdom of Poland of the Russian Empire, and finally Poland. All these state formations were characterized by the regulation of relations between employees and employers based on elements of civil law. As a result, the idea of «lithuanianism» emerged in Belarusian society, influencing the formation of modern legislation in the Republic of Belarus.

As a result, the analysis conducted demonstrates that labor law in the Republic

of Belarus was formed in conjunction with the formation of the territorial integrity of the modern borders of the Republic of Belarus. Moreover, under the influence of the idea of «lithuanianism», two approaches to perceiving the relationships between athletes/coaches and employers/clients were created:

- regulation of relations based on labor law or civil law;
- regulation of relations based on «mixed» contracts with a combination of elements of labor and civil law contracts.

In paragraph 1.3 «Universal normative acts regulating the employment of athletes and coaches» the current state of legal regulation in the sports sector is analyzed, including norms governing the employment of athletes and coaches.

One type of source in sports law is normative acts, typically grouped under the unified term «lex sportive». It is commonly believed that «lex sportiva» refers to acts developed and adopted by sports organizations rather than the government. However, there is no single concept in sports law regarding the understanding of «lex sportiva». Despite the plurality of definitions of «lex sportiva», they all converge in encompassing all norms developed by national and international non-governmental sports organizations under this definition.

In turn, the author believes that the grouping of normative acts developed by sports organizations under the common definition of «lex sportiva» is a subject of debate. This is because such normative acts have varying legal force and scope of application. When these normative acts are considered within the framework of a general definition, there arises an issue in determining the legal nature of these acts.

Thus, when using the collective definition of «lex sportiva», it is often indicated that labor relations and other directly related relations are also regulated by collective agreements, agreements, and local normative acts containing labor law norms (part 2 of article 5 of the RF Labor Code). Moreover, the specifics of regulating the labor of athletes and coaches are established by labor legislation and other regulatory legal acts, including labor law norms, collective agreements, agreements, as well as local normative acts adopted by employers taking into account the norms approved by all-Russian sports federations (part 3 of article 348.1 of the RF Labor Code). In other

words, the regulation of labor relations between athletes and employers occurs, in part, through local normative acts containing labor law norms and adopted by employers considering the norms approved by all-Russian sports federations. Based on this, labor law researchers argue that «lex sportiva» finds its reflection in labor law, as employers must consider «lex sportiva» norms when developing local normative acts.

However, in attempting to legalize the collective definition of «lex sportiva», there are two drawbacks:

1. «Taking into account norms» - the word «taking into account», in lexical understanding, implies consideration rather than obligatory execution. It should not be assumed that the legislator intentionally allowed incorrect lexical use of the word «taking into account». On the contrary, it seems that the legislator deliberately uses this word because it is not ready to recognize the autonomy of sports and «lex sportiva» norms. Recognizing the existence of «lex sportiva» can be seen as transferring some sovereignty to sports organizations, which the state is not willing to do. Moreover, it is important to note that there is no legislative provision establishing any responsibility for non-compliance or improper implementation of the provisions of this article. At the same time, athletes and sports organizations are subject to responsibility for non-compliance or improper implementation of «lex sportiva» norms, established by the «lex sportiva» norms themselves.

2. The norms of «lex sportiva» have a complex internal structure, consisting of norms regulating not only labor relations but also civil law, procedural, and organizational aspects related to sports competitions, conditions for participation in sports competitions, rights and obligations of participants in sports competitions, and the resolution of sports disputes. For example, Resolution № 202/7 of October 27, 2021, of the Executive Committee of the All-Russian Public Organization of the Football Federation «Russian Football Union» (hereinafter – RFU) establishes the basic rights and obligations of football entities regarding registration procedures, passportization, management of competitions and training processes, accounting for football infrastructure facilities, and statistics in the information systems of the Russian Football Union. Resolution № 251.6 of April 6, 2021, of the Executive Committee

Bureau of the RFU, «Regulation of the Russian Football Championship among sports school teams for the 2021/2022 season», determines the procedure for organizing and conducting competitions among sports schools.

Thus, the norms of «lex sportiva» can be attributed to labor law only insofar as they relate to the labor rights of athletes and coaches, but not entirely.

Therefore, in this part of the study, a distinction is made and elements of «lex sportiva» are defined based on their legal force and scope of application.

In this paragraph, such internal elements of «lex sportiva» are identified and justified as separate groups, including:

- 1) Decisions of the International Court of Arbitration for Sport;
- 2) Regulations of sports organizations, which also act as regulators of labor relations between athletes / coaches and employers / hirers / clients and are an integral part of article 348.1 part 3 of the RF Labor Code;
- 3) «lex ludica» - a set of exclusively sports acts developed by national and international non-governmental sports organizations, the aim of which is to ensure compliance with certain conditions (norms of behavior) by all participants in any activity, that is, «lex ludica» is the rules of the game;
- 4) «lex specialis» - a set of norms developed by specialized international sports organizations, aimed at all types of sports and connected by a single issue.

In paragraph 1.4 «Normative legal acts as sources of sports law and regulation of employment of athletes and coaches in the Russian Federation and the Republic of Belarus» the current sources of sports law and regulation of the employment of athletes and coaches within the territories of these two countries are examined.

The definition of these sources allows for identifying the extent of changes that need to be implemented when pursuing the Directions.

The second chapter «Features of legal relationships involving athletes» is dedicated to a comparative analysis of norms regulating the specifics of relationships involving athletes in the Russian Federation and the Republic of Belarus.

In paragraph 2.1 «Features of employment relationships involving athletes in the Russian Federation» the sports legislation of the Russian Federation is analyzed

concerning the definition of terms such as «team sport», «individual sport», «participant in amateur competition», «disqualification», «doping», «technological doping», «athlete», and the labor legislation of the Russian Federation defining the rights and obligations of an athlete as a subject of labor relations in the Russian Federation.

It is demonstrated that due to the absence of definitions for «team sport» and «individual sport» in the sports legislation of the Russian Federation, it is not always clear which type of contract should be concluded with the athlete – whether it should be a labor contract or a civil law contract. Additionally, legal issues concerning the rights, obligations, and responsibilities of athletes within the framework of labor and sports legislation of the Russian Federation have been identified. For example, there is mandatory «attachment» of the athlete to the labor contract in team sports.

It is established that the definition of «participant in amateur competition» is not clearly formulated in the sports legislation of the Russian Federation, and there is a lack of clarity regarding the scope of their rights and obligations.

The provision of part 5 of article 348.2 of the RF Labor Code is analyzed, which establishes that one of the additional conditions of the employment contract concluded between an athlete / coach and an employer may be a condition requiring the athlete / coach to comply with the regulations of sports competitions insofar as they are directly related to the athlete's / coach's work activities. These regulations of sports organizations determine the conditions for participating in sports competitions in a specific sport.

Accordingly, to perform their work functions, an athlete (part 1 of article 348.1 of the RF Labor Code) must meet the conditions for participating in sports competitions in a specific sport. As a result, the athlete is required to comply with the regulations of sports competitions insofar as they are directly related to their work activities. A similar situation arises with coaches.

Thus, this condition of the employment contract concluded between the athlete / coach and the employer should not be an additional condition. In the author's opinion, this condition should be a mandatory provision for inclusion in the employment

contract with the athlete (part 3 of article 348.2 of the RF Labor Code) and the coach (part 4 of article 348.2 of the RF Labor Code).

An analysis of article 348.11 of the RF Labor Code, which establishes additional grounds for terminating an employment contract with an athlete, has been conducted, demonstrating the impossibility of applying the provisions of article 348.11 of the RF Labor Code to a pregnant athlete and to the institution of temporary transfer of the athlete to another employer.

In this regard, it is proposed to legislatively establish a special right for athletes, which implies the issuance of a certificate of participation in sports competitions by sports organizations, granting the right to participate in sports competitions held under the auspices of the respective sports organization, to avoid situations modeled in the analysis of article 348.11 of the RF Labor Code.

The shortcomings of the conservative approach of the legislator to regulating the relationship between the athlete and the employer based on labor law are shown, as well as the lack of a clearly defined alternative option to an employment contract in the form of a civil law contract concluded between the athlete and the client.

In paragraph 2.2 «Features of relationships involving athletes in the Republic of Belarus» the sports legislation of the Republic of Belarus is analyzed regarding the definition of terms such as «professional sport», «athlete», and «professional athlete», as well as the labor legislation of the Republic of Belarus and the regulatory legal acts governing the relationships arising between athletes and clients in the Republic of Belarus.

In relation to the analysis of the definitions of «athlete» and «professional athlete», it can be noted that the legislator in the Republic of Belarus distinguishes between these two definitions, which cannot be said about the legislator in the Russian Federation. Thanks to such differentiation, the legislation of the Republic of Belarus more precisely defines the rights and obligations of athletes. For example, the provisions of the Labor Code of the Republic of Belarus are exclusively dedicated to regulating the work of professional athletes. Furthermore, under the influence of the idea of «litvinism», the legislator in the Republic of Belarus clearly defines the

conditions for an alternative option for regulating relationships between professional athletes and clients by adopting specialized regulatory legal acts on the essential terms of civil contracts concluded between professional athletes and clients.

It is assumed that such regulation, albeit a fiction, is optimal for the sports sphere, allowing the legislator of the Republic of Belarus to be more flexible in handling relationships between athletes / professional athletes and employers / clients.

The analysis of chapter 26-1 of the Labor Code of the Republic of Belarus, which regulates the relationship between professional athletes and employers, revealed that the condition requiring a professional athlete and professional coach to comply with the rules of sports competitions in their respective sports and the provisions of the regulations governing the conduct of sports competitions in which they participate is a mandatory condition of the employment contract.

An additional ground for terminating the employment contract with a professional athlete, as provided in part 1 of article 314-11 of the Labor Code of the Republic of Belarus, is formulated as imperative for the employer, which cannot be said about article 348.11 of the RF Labor Code.

The additional grounds for termination of an employment contract provided for in part 2 of article 314-11 of the Labour Code of the Republic of Belarus, compared to article 348.11 of the Labour Code of the Russian Federation, more closely correspond to the modern understanding of disqualification. At the same time, one of the grounds, namely «failure by a professional athlete to achieve certain sports results provided for in the employment contract, provided that the achievement of these results was envisaged by the employment contract and the employer provided the necessary conditions for their achievement», leans more towards civil law rather than labor law. It appears that this provision emerged in the Labour Code of the Republic of Belarus precisely under the influence of the idea of «litvinism», shifting the focus from the employee's labor function to the final result of the performer.

The third chapter «Features of legal relationships involving coaches» is dedicated to a comparative analysis of norms regulating the work of coaches in the Russian Federation and the Republic of Belarus, aiming to identify theoretical and

practice-oriented gaps in the area of relationships that arise between coaches and employers / hirers / clients.

In paragraph 3.1 « Definition of the concept of «coach» and categories of coaches» the definition of who a coach is and what categories of coaches exist at the present moment is determined.

Certainly, the legislation of the Russian Federation contains a definition of the term «coach» however, upon closer examination of the definition and the set of job functions of a coach, it becomes clear that this definition is outdated and does not meet the requirements of the time. Furthermore, the absence of legislative categorization of coaches leads to legal gaps and discrimination among coaches towards each other and towards athletes.

In an attempt to begin categorizing coaches, the legislator of the Russian Federation introduces a new definition of «coach-teacher». However, by introducing this new definition, referring to coaches working in educational organizations, the legislator of the Russian Federation imposes the same requirements on this category of coaches as on regular coaches, without considering the provisions of chapter 52 of the Labour Code of the Russian Federation «Features of Regulating the Labor of Educational Workers».

Thus, the legislator has created a new legal gap in its own legislation.

In paragraph 3.2 « Features of relationships involving coaches in the Russian Federation» the specifics of regulating relationships between coaches and employers / clients within the territory of the Russian Federation are analyzed.

There is no regulation within the territory of the Russian Federation that directly establishes the possibility for coaches to use civil law contracts in the implementation of their functions. As a result, the overwhelming majority of coaches enter into employment contracts with their employers, which are more stable due to regulation by labor law norms.

The RF Labor Code since 2008 contains chapter 54.1, dedicated to the peculiarities of regulating the labor of athletes and coaches. However, an analysis shows that a significant portion of the provisions in chapter 54.1 of the RF Labor Code

is devoted to the peculiarities of regulating the labor of athletes, inadvertently relegating the peculiarities of regulating the labor of coaches to the background. Nevertheless, a part of the norms in chapter 54.1 of the RF Labor Code addresses the peculiarities of regulating the labor of coaches with their own issues.

For instance, the first article of chapter 54.1 of the RF Labor Code establishes that the peculiarities of regulating the labor of athletes and coaches are determined by labor legislation and other regulatory legal acts containing labor law norms, collective agreements, agreements, as well as local regulatory acts adopted by employers in accordance with the requirements of the RF Labor Code, taking into account the norms approved by the All-Russian Sports Federations, and the opinion of the elected body of the primary trade union organization (part 1 of article 348.1 of the RF Labor Code).

One particular aspect of regulating the labor of coaches in the territory of the Russian Federation can be noted:

On the one hand, in the territory of the Russian Federation, there is the Order of the Ministry of Labor and Social Protection of the Russian Federation dated March 28, 2019, № 191n «On Approval of the Professional Standard 'Coach'» (hereinafter - the Professional Standard), which establishes the labor function of a coach and the requirements for conducting coaching activities.

On the other hand, there are «lex sportiva» acts that may establish additional criteria for coaches.

It appears that the professional standards established by the legislator of the Russian Federation for coaches are essentially requirements for the profession of a coach, while the types of licenses established by «lex sportiva» acts are mandatory conditions for carrying out their labor function depending on the level of competitions and the group of athletes with whom coaches work.

Paragraph 3 of article 348.2 of the RF Labor Code establishes that it is mandatory to include in the employment contract with a coach a condition requiring the coach to comply with the all-Russian anti-doping rules and the anti-doping rules approved by international anti-doping organizations, and to take measures to prevent violations of these anti-doping rules by the athlete(s) (part 3 of article 348.2 of the RF Labor Code).

At the same time, the legislator provides for criminal liability for violating anti-doping rules exclusively in relation to coaches, but not in relation to athletes, which indicates discrimination against coaches compared to athletes.

The obligation of coaches to take measures to prevent violations of the specified anti-doping rules by athletes essentially supplements and expands the labor functions of coaches, without specifying exactly what measures coaches should take.

Paragraph 1 of article 348.6 of the RF Labor Code establishes that employers are obliged, upon requests (applications) from the All-Russian sports federations, to send athletes and coaches, with their written consent, to the national teams of the Russian Federation to participate in training and other events for preparation for sports competitions and in international official sports events as part of these teams (part 1 of article 348.6 of the RF Labor Code).

Based on the interpretation of paragraph 1 of article 348.6 of RF Labor Code, it follows that coaches/athletes are not obliged to join the national teams of the Russian Federation — it is their right. At the same time, for employers, the provisions of paragraph 1 of article 348.6 of the RF Labor Code serve as an obligation to send coaches/athletes to the national teams of the Russian Federation. In practice, the provisions of paragraph 1 of article 348.6 of the RF Labor Code have become an obligation for both coaches/athletes and employers, which is formalized as a business trip, although it does not have the characteristics of a business trip.

In the paragraph, it is shown that the current version of article 348.11-1 of the RF Labor Code is inadequate. This inadequacy of article 348.11-1 of RF Labor Code is primarily related to the definition of sports disqualification provided in article 2 of Law № 329. Thus, only athletes can be subject to sports disqualification, while coaches cannot. Currently, sports disqualification of coaches exists in the sports sphere, sometimes it is renamed as disqualification from competitions. However, it is not entirely clear why, if sports disqualification of coaches exists in practice, the legislator does not introduce sports disqualification as an additional reason for terminating the contract with a coach, similar to article 348.11 of the RF Labor Code.

Article 348.12 of the RF Labor Code establishes additional guarantees and

compensations for athletes and coaches. Of particular interest in this article is the provision according to which the employment contract with an athlete may include a condition obliging the athlete to make a monetary payment to the employer in the event of termination of the employment contract at the athlete's initiative without valid reasons, as well as in the event of termination of the employment contract at the initiative of the employer for reasons related to disciplinary penalties (part 3 of article 348.12 of the RF Labor Code).

From this provision of article 348.12 of the RF Labor Code, it follows that there is no obligation for coaches to make a monetary payment to the employer in the event of termination of the employment contract at the coach's initiative without valid reasons. In the author's view, this also indicates some legislative discrimination against coaches.

However, in practice, coaches still have an obligation to make a monetary payment to the employer in the event of termination of the employment contract at the coach's initiative without valid reasons. For example, article 10 of the Regulations of the RFU on status and transfers establishes that «in case of early termination of the employment contract at the initiative of a professional football player or coach (at their own request) without valid reasons, the club has the right to receive compensation (payment) for such termination in the amount determined by the employment contract. If the amount of compensation (payment) is not provided for in the employment contract with the professional football player / coach, then it is determined...» (part 1 of article 10 of the Regulations of the RFU on status and transfers).

In paragraph 3.3 « Features of relationships involving coaches in the republic of Belarus» an analysis is conducted on the peculiarities of relationships involving coaches in the territory of the Republic of Belarus. It is necessary to note that unlike the Russian legislator, the legislator of the Republic of Belarus establishes two categories of coaches on a legislative level – coach and professional coach. Moreover, both of these definitions in Belarus require a mandatory qualification for pedagogical activities, while in the Russian Federation there is no such requirement even for the new category – coach-instructor.

Furthermore, the legislator of the Republic of Belarus provides the possibility for exclusive use of employment contracts by professional coaches, while regular coaches use civil contracts in their relationships, the essential conditions of which are defined by a special regulatory legal act. At the same time, a professional coach does not forfeit the right to regulate relationships between them and the client based on a civil contract. Essentially, a professional coach has the choice of the legal framework under which their relationships will be regulated. In the Russian Federation, there is no such choice, nor is there a definition of a «professional coach».

Paragraph 2 of part 3 of article 314-1 of the Labor Code of the Republic of Belarus establishes that the following duties of a professional coach must be specified in the employment contract concluded between the professional coach and the employer:

1. A professional coach must not allow doping in sports (paragraph 1 of part 2 of article 314-1 of the Labor Code of the Republic of Belarus).

This duty of a professional coach, formulated in this manner, is dictated by the fact that the legislator of the Republic of Belarus, unlike the legislator of the Russian Federation, allows for the possibility of independence of sports competitions from international sports organizations, similar to competitions held under the auspices of the NHL, NBA. That is, the legislator of the Republic of Belarus does not tie doping to national anti-doping rules or anti-doping rules approved by relevant international anti-doping organizations, establishing the obligation of a professional coach to prevent doping in professional sports. In this regard, the author believes that the games of the Commonwealth of Independent States (CIS) may be best implemented not by the Russian Federation, but by the Republic of Belarus.

However, this formulation is not without its drawbacks. Just like the provisions of paragraph 4 of article 348.2 of the RF Labor Code, the provisions of paragraph 1 of part 2 of article 314-1 of the Labor Code of the Republic of Belarus do not specify what exact actions a professional coach should take to prevent doping in sports, leading to the same problems as those encountered in implementing paragraph 4 of article 348.2 of the RF Labor Code.

2. A professional coach is obliged to adhere to the rules of sports competitions in the relevant sport and the provisions of the conduct (regulations of conduct) of sports competitions in which they participate (paragraph 2 of part 2 of article 314-1 of the Labor Code of the Republic of Belarus).

It is worth noting that according to article 348.2 of the RF Labor Code, this condition may serve as an additional condition of the employment contract concluded between the coach and the employer. However, in the territory of the Republic of Belarus, this obligation of a professional coach has fundamental importance for a number of norms that regulate and reflect the peculiarities of the work of professional coaches in the Republic of Belarus.

According to paragraph 1 of article 1 of Law № 125, a professional coach is a subject who may be subject to sports disqualification due to their obligation to adhere to the rules of sports competitions in the relevant sport and the provisions of the conduct (regulations of conduct) of sports competitions in which they participate.

Paragraph 2 of part 2 of article 314-1 of the Labor Code of the Republic of Belarus and the definition of sports disqualification allow the legislator of the Republic of Belarus to establish the possibility of terminating the employment contract with a coach in the event of their sports disqualification for a period of six months or more (paragraph 1 of part 4 of article 314-11 of the Labor Code of the Republic of Belarus).

Paragraph 3 of part 2 of article 314-1 of the Labor Code of the Republic of Belarus establishes that a professional coach is obliged to participate upon summons in sports events as part of the national teams of the Republic of Belarus in various sports.

By establishing this obligation of a professional coach in the employment contract with the employer, the legislator of the Republic of Belarus resolves the issue related to the right or obligation of a professional coach to join the national team of the Republic of Belarus. In contrast to the ambiguity established by the provisions of article 348.6 of the RF Labor Code, paragraph 3 of part 2 of article 314-1 of the Labor Code of the Republic of Belarus defines the participation of a professional coach in the national team of the Republic of Belarus as a labor function of the professional coach,

that is, their obligation.

Paragraph 5 of part 4 of article 314-1 of the Labor Code of the Republic of Belarus stipulates the obligation of a professional coach to pay monetary compensation to the employer in case of termination of the employment contract due to the fault of the professional coach, as well as the amount and procedure for payment of such compensation.

It appears that this condition of the employment contract concluded between the professional coach and the employer is aimed at eliminating the discriminatory situation of professional coaches compared to the situation of professional athletes, which cannot be observed in the legislation of the Russian Federation.

In conclusion the main results of the dissertation research are summarized.