MMA fighters overwhelmingly support unionization, despite no clear path forward

The Athletic – June 3, 2020

In overwhelming numbers, MMA fighters said they would support forming a union to collectively bargain with promoters, according to a recent survey conducted by The Athletic.

Nearly 80 percent — 79.4 percent, to be exact — of MMA athletes reached as part of The Athletic’s inaugural fighter survey said they would be in favor of organizing with their peers in a way comparable to the professional unions and associations in other
sports. Only 6.5 percent of fighters said they would oppose such a move while 14.1 percent said they were unsure or preferred not to answer.

“The worst part about (being a fighter) is not being paid what we’re owed and what we deserve — and not having a union to back us up,” one surveyed fighter under contract to PFL said.

During March and April of this year, *The Athletic’s* MMA staff polled 170 professional fighters across a range of promotions, age groups, experience levels and countries about a variety of issues facing MMA. Athletes participated with the assurance of anonymity. This week, we’re publishing a series of stories sharing the results of those surveys.

The subject of unionization has long been a hot-button topic in MMA. As one of the only mainstream sports without an existing players association, critics say many aspects of the relationship between fighters and MMA’s most powerful promotions — especially the UFC — benefit the owners while the labor force is often left without a voice in major decisions.

MMA also isn’t regulated at the federal level the same way boxing is under the Muhammad Ali Boxing Reform Act, so during the sport’s formative years, promoters were free to design much of the landscape to their benefit, observers have argued.
Erik Magraken, an attorney based in British Columbia, Canada, who is also a part-time MMA and kickboxing judge and author of the Combat Sports Law Blog, said fighters would benefit on many fronts from unionization. Reached by The Athletic via email, Magraken said collective bargaining could strengthen fighters’ ability to negotiate a profit split similar to that in other major sports. Union representatives could also attempt to re-institute third-party, in-cage sponsorships for fighters, take a more active say in drug testing policies, and pursue year-round health insurance and pensions, Magraken said.

One primary subject of interest to a fighters union could be reforming standard promoter contracts. Magraken said a union could use collective bargaining to seek a laundry list of changes, including restricting contract lengths to encourage free agency, doing away with promoters’ matching rights during free agency, removing promoters’ ability to unilaterally terminate fighters, and reducing the circumstances in which promoters can freeze or extend contracts, among other things.
“MMA promoter contracts are some of the most heavy-handed in any sporting industry,” Magraken said. “They are designed to tie up talent and restrict free agency for real stars as much as possible. … The list (of reforms) really can go on and on.”

In the UFC, many of these issues have been cast in greater relief during the past decade as the company became increasingly more popular and more profitable.

In 2015 the UFC announced an aggressive drug-testing program some fighters said was too invasive. In 2016 the fight company clamped down on fighter sponsorships when it signed an exclusive outfitting deal with Reebok. That same year, Endeavor bought the UFC for a reported $4.2 billion.

Last year, the UFC inked a new broadcast deal with ESPN worth a reported $750 million. Meanwhile, some fighters said their compensation hasn’t kept pace as the company pursued these new business deals without consulting its workforce of around 500 independent-contractor fighters.

In February, “The New York Post” cited unnamed sources reporting the UFC paid fighters roughly 16 percent of revenue in 2019. That number fell well short of the approximately 50 percent revenue split in most major sports where players collectively bargain. It’s also in keeping with fighter compensation numbers for previous years, which have become public during an ongoing class-action lawsuit filed against the UFC in 2014 by a group of former fighters.

As fighter pay continues to be a point of contention, more UFC fighters have taken certain details of their negotiations public in recent weeks.

UFC light heavyweight champion Jon Jones announced plans on social media over the weekend to vacate his title and sit out after he said UFC executives refused to discuss increased compensation around a proposed heavyweight bout with Francis
Ngannou. UFC bantamweight champion Henry Cejudo also recently retired at age 33, citing low pay as a contributing factor. Welterweight contender Jorge Masvidal said his own title shot against champion Kamaru Usman hasn’t yet materialized because Usman was “asking for too much money.”

In addition, the UFC drew criticism from media commentators like HBO’s John Oliver and Bryant Gumbel as the company charged forward with live events amid the ongoing coronavirus pandemic, even as health and safety questions persisted.

“Not surprisingly,” Gumbel said on a broadcast of HBO’s “Real Sports,” “the one sport in which the athletes seem to have the fewest rights and arguably the least say in their own safety is the one that was first to resume staging competitions despite the pandemic — and that’s the UFC.”

Fighters’ support of unionization also dovetails with the results of The Athletic’s MMA fan survey conducted earlier this year.

In an anonymous survey completed online by 530 subscribers to The Athletic, 74.9 percent of fans said they would be “very supportive” of fighters’ efforts to unionize. An additional 15.1 percent said they would be “somewhat supportive” while 6.8 percent said they remained neutral. Just 3.2 percent of fans said they would be “very” or “somewhat” opposed to the idea.

So, with apparently massive support among fans and fighters, it raises the question: Why, in the year 2020, does there appear to be no clear path forward toward a fighters union?

Numerous efforts to organize MMA fighters — including Project Spearhead, the MMA Fighters Association, and the Professional Fighters Association — have appeared during the sport’s modern era. None has so far established the necessary momentum to jumpstart a widespread unionization movement.
Historically, several substantial obstacles have hampered attempts at organization.

Perhaps the biggest hurdle could be fighters’ employment status as independent contractors.

Employment status has been a central question during recent court cases involving ride-share service drivers and parcel delivery drivers. It’s possible that in order to unionize, fighters might have to force legal action to get reclassified as full-time employees.

Then there’s sheer geography. MMA’s diverse international workforce is often touted as a positive — for this survey, The Athletic spoke to fighters from 24 countries across six continents — but in the case for unionization, it could be a detriment. Unlike team sports such as football or baseball, where players meet en masse during preseason training camps, there are few opportunities for large numbers of fighters to gather under one roof. Just to undertake an initial organizational push would be an incredible logistical task.

There is also the individual nature of MMA. Fighters compete with each other in the cage, and some see their peers as competition outside it, as well. That mindset can breed animosity and a lone-wolf mentality. Some athletes may be unwilling to risk their own limited earning windows in order to help the common good.

“I don’t trust us to really do anything collectively,” one surveyed UFC fighter said. “We’re all fighters, dude, and there’s a lot of history in this sport. Seeing everyone come together and collectively put their differences aside would be a shock to me. Just seeing people agree on something — anything — would be a shock to me.”

In addition to all these concerns is a widespread unwillingness to speak out publicly against the sport’s most influential powerbrokers.
“Fear plays a role,” Magraken said. “Many fighters are scared to rock the boat and be publicly associated with efforts to organize. In an industry where it takes years to make it to the top, the athletic window there is short and the promoter holds almost all the cards. It takes a certain level of courage to truly take a stand.”

Perhaps those fears are well-founded.

In April 2018, the UFC cut Leslie Smith amid the vet’s two-fight winning streak after she began talking to fighters about unionizing on behalf of the PFA and Project Spearhead. The UFC argued that by paying Smith for the final fight on her contract — which was canceled after her opponent missed weight — it had fulfilled its obligation to her. But Smith has said she believes the move was due to her organizing work and filed a complaint with the National Labor Relations Board.

After local authorities initially found merit in the claim, Smith’s complaint was unexpectedly dropped by the NLRB’s national office in Washington, D.C. She now fights for Bellator.

Other fighters, including Jon Fitch and Cung Le, have also spoken out about what they saw as unfair treatment by the UFC. Fitch and Le are part of the pending class-action lawsuit against the organization. Fitch was prominently featured in a 2019 story by The Ringer documenting fighters’ previous unionization efforts. Le told Bloomberg.com last month that he felt pressured by previous UFC ownership to fight while injured during his career with the company.

Likely because of all these factors, some fighters surveyed by The Athletic said they thought the sport was too fractured and fighters too isolated for a union or association to materialize.

“There is no possibility of a union because everyone has their (individual) value,” one surveyed fighter said. “Everyone wants more money. It’s all about how much money you can make in your time. Why the fuck would Conor McGregor want to unionize with
fucking Jon Fitch? Everyone’s trying to make the most money they can, and prizefighting is solitary by its nature.”

There seemed to be agreement among surveyed fighters that, if a substantial unionization effort is ever to take hold, MMA’s top draws would have to lead the way.

When polled by *The Athletic* about which fighters would be best to lead an athletes organization, survey responders had a lot of ideas but were mostly united in the belief that the sport’s biggest names would have to be front and center.

“It would have to be the big stars in each promotion,” a surveyed fighter said. “It would have to be the guys that the promoters really need. So, in the UFC it would be Conor McGregor or Jon Jones. In PFL, it would be Kayla Harrison or Rory MacDonald. In Bellator, in it would have to be Benson Henderson or Michael Chandler or Ryan Bader.”

Not only are examples such as McGregor, Harrison and Chandler the figures promoters couldn’t afford to lose, they’d also command the most attention and respect from the public, surveyed fighters said. Maybe they would garner the most respect from their peers, too.

To that end, Magraken said there’s often a misconception that unionization would require the sport’s top stars to take pay cuts in order to lift up entry-level fighters. That’s simply not true, he said. In fact, it would be the top-level fighters who stand to gain — and profit — the most from a fighters association.

“A critical mass of top talent need to realize they are the ones that will benefit most from organization — to the tune of millions,” Magraken said. “… If you are a main event fighter selling 900,000 pay-per-views when you compete, and you are only getting a sliver of the profits you generate, there is something fundamentally
wrong with that picture. Look at what boxers pocket with those kinds of sales.

“The top names in the sport need to get their weight behind an effort to organize to succeed.”

In answer to The Athletic’s question about which active fighter could best lead a union, athletes most frequently mentioned McGregor (24.6 percent) as the best candidate. Other fighters receiving significant votes of confidence included Daniel Cormier (17.4 percent) and Georges St-Pierre (11.4 percent), though the survey was completed before Cormier recently drew fire for saying on his ESPN radio show that Jones asking for upward of $20 million to fight Ngannou would be “unrealistic.”

### BEST FIGHTER TO LEAD A FIGHTERS ASSOCIATION/UNION?

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<th>Fighter</th>
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<td>Chael Sonnen</td>
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<td>Dominick Cruz</td>
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BEST FIGHTER TO LEAD A FIGHTERS ASSOCIATION/UNION?

Tim Kennedy

Perhaps those statements from Cormier — and similar ones from Chael Sonnen (who received 6 percent of the fighters’ votes) over the weekend — show why some fighters said they think their current peers lack the wherewithal to lead as shown by athletes in bigger sports.

“I don’t think any of the current fighters would be able to run something like (a union),” one UFC fighter said. “It might come down to a conflict of interest. Granted, in football, they’ve got a squeaky-clean guy like Drew Brees (to run it). He’s the shit. He’s an awesome, wholesome guy.”

Magraken also noted it would take more than just fighters to get a union off the ground. Perhaps the best way to gather the necessary numbers and truly present a united front would be to get the sport’s most influential managers and agents on board as well.

“Managers need to lead and be vocal in spearheading a fighters organization,” Magraken said. “Some not only fail to do this but act as a barrier to their clients taking these steps. If managers were on the same page, that would help fighters and greatly increase the chance of fighter organization becoming a reality.”

Even with four out of five fighters, as well as a huge percentage of fans, saying they support unionization, the effort has yet to find its footing. With that kind of apparent popular support, however, it doesn’t appear the discussion will go away any time soon.

“It’s an uphill battle,” Magraken said. “There have been many efforts to date. The opportunity to organize is out there. It is certainly possible, but those at the top need to get the message and have the courage to take a stand. Unions (and) player associations didn’t just appear in other major sports. Top talent took a stand at great personal risk. But when they stood their ground and gained
strength in numbers, they made it happen. There is no reason why MMA fighters can’t do the same. They just need the will.”

(Top photo of Leslie Smith: Josh Hedges / Zuffa via Getty)