



Protecting and Promoting the  
**Health of NFL Players:**  
Legal and Ethical Analysis and Recommendations

# Chapter 8

Christopher R. Deubert  
I. Glenn Cohen  
Holly Fernandez Lynch

Petrie-Flom Center for Health Law Policy, Biotechnology,  
and Bioethics at Harvard Law School

## **SUMMARY:** **NFL Clubs**



This document is a summary of the full chapter on NFL clubs in the Report *Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations*. The full chapter includes the following sections: (A) Background; (B) Current Legal Obligations; (C) Current Ethical Codes; (D) Current Practices; (E) Enforcement of Legal and Ethical Obligations; and, (F) Recommendations. Here, we provide our Recommendations, with only the minimum necessary background information. For more information and analysis of the role and responsibilities of NFL clubs, including relevant citations, please see the full chapter.

The NFL is an unincorporated association of 32 member clubs that serves as a centralized body for obligations and undertakings shared by the member clubs. Nevertheless, each member club is a separate and distinct legal entity, with its own legal obligations separate and distinct from club owners and employees. This chapter focuses on NFL clubs as individual entities, rather than the clubs' employees, many of which are discussed in other chapters.

NFL clubs are the players' employers and hire many of the stakeholders discussed in this Report. Club owners typically hire a general manager who then hires the coaching and football operations staff. The general manager and other executives are also likely involved with the hiring of the medical staff. Like all organizations, there is thus likely to develop a specific culture on important issues, which will vary from club to club. In football, the club's attitude towards player health can have a significant impact.

The 2011 CBA contains multiple provisions governing clubs' health obligations to its players, including the types

and number of medical professionals to be retained and clubs' obligations to pay for players' healthcare. In addition to their obligations under the CBA, NFL clubs also have statutory obligations as employers concerning the health and safety of NFL players, including obligations under the 2010 Patient Protection and Affordable Care Act and the Occupational Safety and Health Act, or similar state or federal regulatory schemes. Finally, one additional statutory employee-benefit mechanism with which NFL clubs have regular interactions is workers' compensation laws, which have been a contentious issue in the NFL.

The best way to understand NFL clubs' current practices concerning player health is to examine the current practices of the relevant NFL club employees or contractors: see; Chapter 2: Club Doctors; Chapter 3: Athletic Trainers; Chapter 9: Coaches; Chapter 10: Club Employees; and, Chapter 11: Equipment Managers. These employees carry out the day-to-day tasks of the club, interact with the players, and dictate the club's culture accordingly.

## Recommendations Concerning NFL Clubs

NFL clubs collectively comprise the NFL. Thus, any recommendations concerning NFL clubs would ultimately be within the scope of recommendations made concerning the NFL. Moreover, NFL clubs only act through their employees or independent contractors, including coaches, other employees, and the medical staff. Thus, any recommendation we make for the improvement of clubs would be carried out through recommendations we make concerning club employees. For these reasons, we make no separate recommendations here and instead refer to the recommendations in the chapters concerning those stakeholders for recommendations concerning NFL clubs. Nevertheless, we do stress that it is important that club owners, as the leader of each NFL club and its employees, take seriously and personally participate in player health issues, including overseeing the recommendations made in this Report.