

## **Equal Pay Debates in International Women's Football**

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### **Introduction**

One of the most visible discussion points around international level, professional women's football in recent years has been that of gender equitable payment of players. Often, these debates have been pushed by the players themselves – as we often find is the case for progress in women's sport – in demands for gender equitable environments in elite sport. This chapter will discuss some of the cornerstones of the equal pay debates at play in women's football, drawing on our discussions of the United States Women's National Team (USWNT) (see Carrick et al., 2021; Culvin et al., 2021). First, we will map the emergence of international women's football as a major force in the global sport nexus which has enabled women to be paid to play football as a profession, although not without problems. Second, we introduce some of the historical roots of equal pay debates, before turning to the most public and high-profile remuneration dispute in the sport of football, that of the USWNT versus the United States Soccer Federation (USSF), which reached some form of resolution on 22<sup>nd</sup> February 2022. On the 18<sup>th</sup> May 2022, a historic equal pay agreement was reached. In this chapter, we outline how the drawn-out legal process has undoubtedly contributed to greater pay parity on the international stage for many professional women footballers, and conclude the chapter by offering our thoughts as to the significance, and future, of gendered pay debates in football.

### **Women's football as a major force in global sport**

As we have noted in the introduction to this collection, and elsewhere (Culvin et al., 2021), over the last decade there has been significant changes that have impacted the political, social and economic field(s) of women's football. These changes have meant a surge in interest across the globe in the development of the sport, underlined at the 2019 World Cup which documented record breaking viewing and attendance figures – over one billion people tuned in to watch this tournament. Progress across the sport has continued, and women's football has now professionalised or semi-professionalised in many countries across the world, as we have seen throughout the contributions to this book, resulting in more and more women being paid to play football.

As noted throughout this collection, there exists formal professional leagues in many countries across the globe, and for many (all though not all) that do not have fully professional leagues, it is clear that the professionalisation process is underway. It is fair to say that at the forefront of

women's football in many ways is the USA, given its unrivalled success on the international stage where the USWNT have consistently been ranked the best team in the world. However, this long history of international success has not always automatically transferred into a successful and/or financially secure domestic league. Allison (2018) has noted that the success of the USWNT has somewhat glossed over inequities that continue to present challenges for women's soccer in the USA. Indeed, if professionalisation is a measure of success, then men are far more successful, while women face a very different set of career options. At a club level, there have been three iterations of professional women's soccer leagues in the country, which the USSF state must have a minimum of 8 teams competing across 3 different time zones to be sanctioned by the federation as Division 1 in the American soccer pyramid. The Women's United Soccer Association (WUSA) league launched against the backdrop of a hugely successful 1999 Women's World Cup, hosted in the USA, and operated from 2001-2003 (Williams, 2007). The league succeeded in attracting the biggest stars of the sport, yet overspending, poor attendances, and failures to attract top sponsors and media deals contributed to its failings (Allison, 2018). After a hiatus, in 2009 the Women's Professional Soccer (WPS) league followed, with an admittedly more cautious approach, including salary caps for players. The league's commissioner felt the WPS's affordable approach at this time would benefit the sport, attracting new fans who, in healthier economic times, would consider the league a lower priority (Myrdahl, 2010). Despite a media deal with Fox Soccer and a league sponsor, the WPS was plagued by some similar problems of its predecessor, and it folded in 2012. Not long after, in 2013, the inception of the National Women's Soccer League (NWSL), managed by the USSF, has been much more successful, with the competition continuing to exist, and grow.

Globally, there have been increasing examples of (semi-)professional leagues for women's football, with FIFPro (2020) identifying that more women's leagues and clubs at a domestic level are forming and professionalising. Most notable is England's Women's Super League (WSL), and the second tier Women's Championship (see Forbes et al., in this collection). There are also examples of (semi-)professional leagues across Western Europe, such as those found in Spain, Germany, France, Sweden and Italy, as well as in Australia, Brazil and Japan. However, it is clear that at club level, economic remuneration – which as we have noted can dictate the professional status of a woman athlete – is hugely varied (FIFPro, 2020). FIFPro (2020, p. 11) highlight that across the game, 'global standards for the conditions of players are lacking, subjecting players to a range of adverse working conditions and serving as a barrier to the growth of the industry'. Despite this, they also report that there have been significant increases in monthly pay from clubs across the world between 2016 and 2018, from an average of €2,734 to €4,123.

On the international stage, many fans of women football are well versed in the 'equal pay for

equal play' legal claim that the USWNT launched, initially in 2016. However, for national team football players, many are still required to 'stitch together their football incomes as patchworks from various sources', from both club teams and national teams, since one source is often not enough to support them (FIFPro, 2020, p. 63). Clearly, financial remuneration in (semi-professional women's football is a key challenge – in various ways – for the elite women's game, and while for some nations there is a long way to, for the footballing elite, these challenges manifest as gendered equal pay disputes, given the global success of the men's version of the game. The next section will outline some of the broader historical discussions around women's fight for equal pay in the workplace.

### **Women's long fight for equal pay**

The International Labour Organization's (ILO) introductory guide on Equal Pay highlights that in the world of work, women and men have the right to receive equal remuneration for work of equal value, commonly referred to as "equal pay" – which is a recognised human right (Oelz et al., 2013, p. 2). While the principle of equal pay for men and women has been widely endorsed, what it actually entails and how it is applied in practice has proved difficult to grasp, and discussions regarding pay equality in the workplace have existed since the early 20<sup>th</sup> century.

For example, in *The Economic Journal* in 1918, Fawcett identified the role of women in the war effort, stating: 'the idea formerly very widely entertained that women were incapable of skilled work has been shattered by experience since the outbreak of the war' (p. 2). Fawcett (1918) was clear in her convictions that the 'equal pay for equal work' sentiment should be rooted in an 'equal pay for equal results' paradigm but was also cognisant of gendered inequalities in access and opportunity to training or professions that hindered the 'results' women could produce. Later, in the same journal in 1922, Edgeworth also questioned whether men and women should receive equal pay for equal work, and worked through a multitude of ways of understanding the sentiment that were pertinent for that time both subjectively and objectively. However, indicative of social conventions at that time, Edgeworth (1922, p. 432) wrote that: 'in masculine circles the question is often dismissed with the remark that the work of women never, or hardly ever, is equal to that of men'.

Ever since women entered the labour force, they have been paid less than men, based on historical gendered (and heteronormative) stereotypes that men were husbands, and as such the 'breadwinners', with women 'secondary earners' (Oelz et al., 2013). As Edgeworth wrote in 1922:

The best way to secure the necessary advances in wages would be to set up Trade Boards for all industries and instruct them to bring minimum wages for men as well as women as

soon as possible to a level...enabling the man to marry and support a family and the single woman to live in decent comfort. (436-437)

This has contributed to women and men typically working different jobs, and the work by women being systematically undervalued compared to male-dominated work. When women earn less than male partners, they are more likely to take on a bigger share of domestic labour or drop out of work all together. As Oelz et al. (2013) flag, discrimination that occurs against women in training, recruitment and progression process, coupled with an unequal sharing of domestic responsibilities between men and women, has a direct impact on the remuneration levels of women. This contributes to and perpetuates gendered stereotypes and inequalities.

Despite the ILO convening in 1951 for the Equal Remuneration Convention, which identified general principles concerning equal remuneration for men and women workers for work of equal value, there are still issues today regarding the gender pay gap (Oelz et al., 2013). It is well known that to this day, women continue to earn less than men on average in nearly every single occupation for which there is sufficient earnings data (Hegewisch and DuMonthier 2016a). For Milgrom et al (2001, p. 560), wage differences between men and women today are 'less a question of an employer paying men and women differently within given occupations or jobs in given establishments, and more a matter of who gets which jobs and how female-dominated occupations are evaluated in the market'. However, when we consider the case of equal pay in sport – and specifically the USWNT case in football - the matter becomes a little more complex.

### **The USWNT's legal battle for equality**

In outlining the pursuit of equal pay and working conditions by the USWNT, which commenced in 2016 through an Equal Employment Opportunity Commission (EEOC) complaint, we aim to highlight some of the sociocultural and legal issues that are pertinent. As Culvin et al. (2021) outline, the initial USWNT complaint was, to a certain extent, administrative as employees must exhaust their remedies through the EEOC before seeking resolution through the courts (McCann, 2020). As such, it wasn't until 2019 that the USWNT were issued with a 'right to sue' letter, filing their complaint on International Women's Day of that year. In February 2020, both the USSF and the USWNT filed motions for a summary judgment. Here, the USWNT's motion presented the work of an economic expert which stated they could be owed \$66 million in damages based on equal pay. The USSF's motion caused controversy though, by suggesting that the men's game required a higher level of skill, speed and strength than the women's game, negating the need for equal pay deals. On 1 May 2020, the summary

judgment in relation to the alleged violations was held. The first claim asserted that the USSF had breached s206 the Equal Pay Act, which prohibits discrimination on the basis of gender, and the second claim was that the USSF had breached the Civil Rights Act (1964), specifically Title VII which prohibits discrimination during the course of employment on the basis of sex.

Before assessing the legal side of the equal pay dispute, it is useful to broadly outline the USWNT and the US Men's National Team (USMNT) Collective Bargaining Agreement's (CBA) – terms and conditions of a contract that have been collectively negotiated for the benefit of the whole party (whether that is a team, in this case, or a league), and not on an individual basis. As Culvin et al. (2021) explain, the 'current' financial terms of the CBA for the USMNT were agreed on the 20 November 2011 and was founded upon the 'pay-to-play' principle: players are only compensated when they attend training camps or make the squad, and players receive bonuses based upon performance. The highest bonuses are available in the World Cup, where at present qualification sees the squad receive \$2.5 million plus an additional \$68,750 bonus for each player. A semi-final appearance would earn the player pool over \$5 million, whilst making the final would see this increase to over \$9 million. The WNT's CBA, valid from the 1 January 2017, is not based upon this 'pay-to-play' model. Instead, 20 contracted athletes earn a base salary of \$100,000 and an additional salary of \$62,000 - \$67,000 for playing in the NWSL. The highest of performance related bonuses also comes from the World Cup. The WNT receive a qualification bonus of \$37,500 and the same sum being named in the squad. A gold medal earns the player pool \$2.2 million, with silver earning \$1 million, and \$500,000 for bronze. These figures are significantly lower than what the MNT receive, and this is further exemplified by the fact FIFA paid the winners of the men's 2018 World Cup \$38 million and the women's 2019 winners \$4 million. It is worth noting here that the USWNT had initially rejected a similar CBA to the one offered to the men's team for one with a confirmed income. For this decision to make sense, we need to consider sociocultural conditions that elite women soccer players operate in, such as increased precariousness of employment via lower pay, shorter contracts, and a smaller pool of professional team; as such, we have argued that the sociocultural conditions of women in football contributed to the agreement of a different CBA (Culvin, 2019; Culvin et al., 2021).

For a successful claim under the Equal Pay Act, the USWNT needed to establish that they performed equal work, under similar working conditions, and that the USMNT were paid more. The USWNT ascertained that they were paid less on the basis that the USWNT CBA provides lower bonuses for friendlies, World Cup competitions and other tournaments. Their argument was strengthened by illustrating potential earnings should they have been compensated under the same CBA as the MNT, even when fringe benefits such as health insurance were included. This figure totalled over \$66 million in backpay owed to the player pool. The USSF argument focused on total compensation paid to players

under their respective CBA's. By assessing total compensation paid during the contested period between 2015 and 2019, the USWNT earned \$220,747 per game whilst the USMNT earned \$212,639 per game. At the class certification stage, the federal judge who heard the case concluded that the claims were not sufficient to warrant a trial, because the USWNT were being paid according to the terms of the contract that they had signed. However, the court:

Could not conclude that no discrimination had occurred solely on the fact that the WNT players received more compensation because to do so would lead to an absurd result where an employer who pays a woman \$10 per hour and a man \$20 per hour would not violate the EPA...as long as the women negated the disparity by working twice as many hours

During class period, the USWNT played 111 games and made \$24.5 million, \$220,747 per game. The USMNT played 87 games and made \$18.5 million, \$212,639 per game. Thus, the downfall of the EPA claim was based upon the reality that during the class period, the USWNT earned more than the USMNT, and a successful claim requires the plaintiff to prove they earned less than the men. Despite this, a hypothetical situation was mapped out where each team played 20 friendly matches and won all of them. The USWNT would take home 38% of the income received by the USMNT: compared to the USMNT's \$263,320, or \$13,166 per game, the USWNT would earn a maximum of \$99,000, or \$4950 per game (Glass, 2019). Similarly, the notion that the women were paid more per game during the class period (\$220,747 per game versus \$212, 639) neglects that in the same period, the women's team won two World Cup's. Crucially then, whilst the women may have agreed to sign a different CBA, it is clear the economic argument is one that neglects the inherent discrimination women often face in both workplaces and in sport. The systematic undervaluing of sportswomen, as well as the dismissal of their claim without due consideration for the sociocultural – and patriarchal – conditions they exist in, is a persistent problem faced by women in sport. The USWNT filed an appeal to the summary judgement that dismissed the EPA claim, and continued to fight, and on the 22<sup>nd</sup> February 2022 the players reached an agreement with USSF. Later in the year, an equal pay deal was signed, promising true pay equity for men and women: appearance fees and bonuses were 'equalised' across the two teams – including equally sharing FIFA World Cup prize money in a first of its kind move – as well as a commitment for equality in terms of charter flights, quality of venues and field playing surfaces.

In unpicking some of the details of the initial lawsuit, the case went beyond financial reimbursement and also insisted that the USWNT were not only paid less for equal work, but that the conditions afforded to them were inferior compared to their male counterparts. This aligns with findings that the inconsistent and insecure workplaces in which women footballers operate (FIFPro

2017). In 2020, FIFPro further noted that adverse labour conditions still plague women's football, concluding that 'action is needed to establish, implement and enforce global industry standards for working conditions in women's football - in both labour contracts and international competitions - to protect the players and enable the just, decent and stable growth of the industry'. As such, the second part of the USWNT claim was based upon unequal working conditions in relation to field surfaces and travel conditions. In the case of field surfaces, the USWNT contended that they were made to compete on inferior surfaces (artificial turf) more often than their male counterparts who had temporary grass installed on a more regular basis, of which the USSF reasons for which were held to be legitimate and non-discriminatory (Culvin et al., 2021). In relation to charter flights, between 2015 and 2020 the USSF spent \$9 million on flights for the USMNT and \$5 million for the USWNT, to which to the USWNT contended that, despite playing more games, the USMNT were provided with charter flights more frequently and more money was spent on air fare and hotels. Various reasons were put forward by the USSF, including that charter flights were used more often to give the struggling USMNT side a competitive advantage. This argument was described as "weak" and "implausible" and due to the evidence provided by the plaintiff, was sufficient to raise a genuine dispute. In order to avoid going to trial, the USWNT and USSF came to an agreement upon working conditions in April 2021, which guarantees women the same access to facilities, training and professional support as their male counterparts.

In 2021, the USSF took a 'big step' in the equal pay dispute by offering identical contract proposals to both the USWNT and the USMNT, based on a revenue sharing structure (Baer, 2021). However, the USWNT did not believe the offer went far enough – and in fact potentially left them in a worse financial position than their current CBA - and neglected some of the socio-cultural context of their involvement in the sport as professional *women* (Burhan, 2021). This includes the huge disparities in FIFA prize money, and the unparalleled success of the USWNT compared to the USMNT. At the end of 2021, the USWNT were still in the process of appealing the court summary for the aforementioned Equal Pay Act claim, and negotiating their CBA for 2022 onwards. The 22<sup>nd</sup> February 2022 announcement that a settlement had been reached between the players and the federation included a reported \$24m settlement - \$22m for the players and \$2m for a development fund - and a commitment to equal pay deals for men and women players going forwards. It is worth noting that the deal was contingent on a new contract being agreed by the USSF and the players, which required agreement by both the women's and men's national teams (Dure, 2022), and was signed in May 2022. This is despite potentially different requirements of both sets of players, including maternity leave for the women's team. Now the equal pay deal has concluded, it is clear that it has been a significant moment in the business of women's professional football. As Culvin et al. (2021) proclaim, the

implications of simply bringing the case forward had ramifications that stretched far beyond the USWNT. Using this case as an example, we can consider some of the broader, global implications of their public dispute that turned the spotlight onto pay and work conditions for women in international level football.

### **Global equal pay in women's football**

As Carrick et al. (2021) have described, the USWNT Equal Pay debate, first launched in 2016, was considered a landmark case for women's football and has had global implications. The 2019 FIFA Women's Football Convention, held before the 2019 Women's World Cup, was convened to discuss the key pillars of the FIFA Women's Football Strategy. One pillar was to establish gender pay equity, which had been absent from the game as it professionalised.

In 2017, the Norwegian FA declared that men and women were to receive the same pay for representing Norway, contributed in part by a donation of commercial income by the men's team (Reuters, 2017), the first national federation to do so. However, this was not a standard approach by football's national organisations, with the women's national teams from Finland, Scotland, and Denmark all challenging their federations for equal pay for national representations unsuccessfully. Finland's Ombudsman for Equality investigated the issue of unequal pay at national team level but decided that the pay discrepancy was not a breach of the national Equality Act (Nicholson, 2019). The Scotland women's team demanded equal pay for equal work, going on strike in order to improve wages and work conditions from the Scottish Football Association, achieving some concessions but not equality (Bell, 2019). The Argentinian women's national team also went on strike, citing a lack of payment and basic resources to train and play properly (Nicholson, 2017, Garton in this collection). Similarly, the Danish women's national team were in dispute with the Denmark's football association (DBU) over unequal pay, having reportedly been in negotiations since November 2016 (Press Association, 2017). The players went on strike, resulting in a friendly and a World Cup Qualifier being cancelled. The Danish Men's team offered the women's team 500,000DKK, an offer that was declined by the Danish FA as the dispute persisted (Gwilliam, 2017). In October, a 'partial agreement' was announced that enabled matches to resume as the players and the DBU work out a more permanent solution (DW, 2017), with a four-year CBA later agreed (Ames, 2021).

In 2018, more disputes emerged across the globe. In May, the New Zealand FA and the New Zealand Professional Footballers Association agreed on equality and parity in both pay and travel for



their senior men's and women's teams. More countries followed suit in 2019; in June, the Dutch FA (KNVB) announced that they would move towards to alignment of pay for the women's and men's national teams over the next four years, reaching parity in 2023. In September, the Finnish FA announced new player contracts, meaning that Finland's men's and women's national teams would finally receive the same pay, the result of a long battle for equal pay by Finland's women (Nicholson, 2019). In November, the Australian women's national team agreed a deal with the Football Federation Australia that placed them on the same pay scale as the men's team. It was stated that players were to be valued equally, and receiving the same cut of commercial revenue, as well as parity in their training conditions and travel (FFA & PFA, 2019). However, prize money would continue to work on a percentage, which meant the men would still receive more.

The trend has continued through 2020 and 2021, including England, Brazil, Sweden, Nepal, Wales and Ireland. In England, the Football Association declared England's men's and women's teams have been paid equally in terms of match fees and match bonuses since the start of the year. The Brazilian FA (CBF) announced that their women's national team had been paid the same as their men's team since March, in terms of prizes and daily rates (Glass, 2020). In August, Sweden's Equality Ombudsman – the government agency promoting equal rights – ruled that the Swedish Football Association had not discriminated against the women's team by paying them lower wages than the men's team. In September, similar to Denmark, the Swedish men's national decided to forego their wages for the remainder of the year to support the women's team in negotiating for equal pay. In December, Nepal made a public announcement regarding pay equality for their men's and women's football teams. The decision came into effect in January 2021, a significant move for the women's team who previously earned less than 50% of the men's salary (Oli, 2020). In August, the football Association of Ireland announced their men's and women's teams would be paid the same for the matches they play, and in November, Wales announced they had a five year plan working towards equal pay for their women footballers by 2026 (Clarkson et al., 2021)

It appears that the equal pay movement in international football will continue, although the extent to which these discussions will permeate across the whole football landscape are questionable. The 2020 FIFPRO women's football report, titled 'Raising Our Game', built on the 2017 research and highlighted women footballers call to action: fair treatment, decent work, equal opportunities and the right to viable career paths as professionals in the industry. Whilst pay conditions were improving for women in the game, FIFPRO reported that 3.6% of the 186 players who participated in the survey - women competing at the World Cup and playing at the top of the game – were not receiving any money to play. There is clearly some way to go.

### **Concluding Thoughts: Equal Pay for All?**

This chapter has clearly outlined the increasing shift in women's international level football for pay parity. As we've noted elsewhere, these cases can be seen as indicative of real change in how national governing bodies of football view their female players – athletes who for a long time were excluded from the sport, and then tokenistically accepted but considered as inferior to men and chronically underfunded (Clarkson et al., 2021). As national governing bodies are socially funded, social institutions – wherein their decisions can contribute and influence how society views the sport – this shift can represent good news for women's football, and sport, more broadly. However, for many players and athletes, progress is slow and challenges remain, and as FIFPro (2020) note, 'while football's doors are beginning to open to women, the professionalisation of the women's game is still contending with the effects of decades-long underinvestment and exclusion'.

Many women are often reluctant to question inadequate workplace conditions, and there is often a 'be grateful' narrative that encompasses women's involvement in professional sport environments (Pavlidis, 2020; Bowes et al., 2021). However, this is something we are beginning to see challenges too in some forms, most notably by the USWNT, but increasingly by more women competing at the top level. Significantly, this is not just about financial reimbursement, but about working conditions more broadly too. This has included maternity pay (Culvin & Bowes, 2021), quality of facilities and support for performance (including travel, accommodation, sport science support and coaching). It is clear that while the increase in both professional opportunities for women in the sport and increasing levels of pay parity (at international level) is worthy of celebration, it has often come at the expense of women fighting and challenging the prevailing dominant masculine culture of football. Women players can legitimately expect, and demand more (and not just in terms of pay), but there is also a significant level of additional labour that these challenges incur, and that should not go unnoticed.

There is a growing interest in consumption and sponsorship of women's football. However, commercial opportunities have not been fully committed to and therefore, are currently unrealised, which has a significant impact on the business of women's sport and contributes to the financial precariousness seen in women's football, especially at a club level. It is worth questioning, as Liston does in this collection, the role that commercialisation of the sport has played in these improving (for some, at least) professional environments. Consequently, the unequal growth of the sport in various contexts perhaps widens the gap between football's haves and have nots, and equal pay deals might

balance the books between men and women nationally, but the disparities across international federations are stark. Progress in this regard is very much a stuttering process.

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