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Legal Analysis of Gender Discrimination in the United States Women's National Soccer Team's Lawsuit Against the U.S. Soccer Federation

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Abstract

The lawsuit filed by the United States Women's National Soccer Team (USWNT) against the U.S. Soccer Federation (USSF) has generated significant debate regarding the limits of sports federation autonomy in relation to international human rights standards, particularly concerning gender-based pay inequality. This study examines the USWNT v. USSF case from an international human rights perspective, focusing on the principles of equality, non-discrimination, and the right to equal remuneration for work of equal value in professional sports. Using a descriptive qualitative method with normative legal analysis, the research analyzes the case based on legal documents, academic literature, and relevant international and domestic legal instruments, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, CEDAW, ICCPR, ICESCR, and ILO Convention No. 100. The findings demonstrate that the USSF's compensation policy was inconsistent with the principles of equal pay and gender equality under both domestic and international law. Furthermore, the 2022 settlement of USD 24 million confirms that equal remuneration is institutionally achievable and establishes an important legal precedent that sports federation autonomy remains subject to human rights obligations, while commercial considerations cannot justify unequal treatment of athletes performing work of equal value.

A. INTRODUCTION

Sport is any systematic activity to encourage, foster, and develop physical, spiritual, and social potential. Exercise causes improvements in the body that affect all aspects of a person's life. Therefore, the state as a shelter for the community is obliged to support every sports activity. The definition of sport formulated by the European Council (1980) is sport as spontaneous, free activity and carried out during leisure time. This definition is a still general interpretation that is then used as the basis for the "Sport Of All" Movement. From the definition of sports, this provides a breadth of doing sports activities as a sports activity that does not contain a competitive definition.

Sports Law is a set of rules or norms that specifically regulate all aspects related to sports activities. For example, coaching, managing, organizing, and resolving disputes in the world of sports. The source of sports law can come from laws and regulations, regulations of international sports organizations (such as FIFA for football), or norms formed by the sports community itself, or commonly known as Lex Sportiva. Sports law or Lex Sportiva is a set of rules that govern sports activities including football both from the technical of the game, organization and dispute resolution. Because Lex Sportiva in sports law itself, especially in football, usually regulates governance, organization, and administrative sanctions, such as FIFA Statutes and PSSI.

Football is one of the most popular sports in the world. This popularity is marked by the high public interest in football matches. According to Sukma Aji (2016), football is a game that is played by kicking the ball by players to put the ball into the opponent's goal. Football is not just a physical game, but it involves strategy, teamwork, and basic soccer techniques. Football has become a part of the culture of society until now it continues to evolve with the times. However, this evolution has not been felt equally across all spectrums, particularly regarding the involvement of women in the sport. Gender discrimination in professional football is not simply a sports management issue, but a human rights violation with serious legal implications. This study aims to analyze the mechanisms for protecting female athletes' rights against discriminatory actions by football federations, including disparities in facilities, neglect of health rights, and unequal legal protection.

The challenge in enforcing sports laws is that violations that occur during sports matches are held, one of the violations that can occur in football matches is extreme pay disparities and the provision of facilities that fall far below medical safety standards are clear examples of the disregard for athletes' basic rights as professional workers. Federations often use arguments of "commercial value" or "market appeal" as a shield to legitimize the exploitation and neglect of female athletes' welfare. However, from a criminal law and human rights perspective, commercial reasons cannot justify violating the principle of equality and the right to protection guaranteed by the state. Legal issue can be How can the lawsuit filed by the US Women's National Soccer Team against the US Soccer Federation be analyzed from a human rights perspective, particularly concerning the principles of gender equality and non discrimination.

This legal issue encompasses two fundamental human rights principles recognized in global law. First, the right to equality and the prohibition against gender-based discrimination, as enshrined in Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Article 26 of the International Covenant on Civil and Political Rights (ICCPR). This affirms that no one should be subjected to discrimination based on sex, including in employment and athletic remuneration. The significant disparity in pay between male and female soccer players, despite their equal or even superior performance levels, constitutes structural discrimination that cannot be justified solely on commercial grounds. Second, the right to equal employment and remuneration, as guaranteed by Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and ILO Convention No. 100 on Equal Remuneration, states that every worker has the right to receive just and equal remuneration for work of equal value, regardless of sex. In the context of the USWNT case, this legal instrument provides a strong foundation for combating discriminatory pay practices implemented by the USSF, demonstrating that pay equity in professional sports is not simply a matter of policy choice but also a legitimate obligation under international human rights law.

"Inequality in facilities, such as the lack of a standard medical team or inadequate training facilities for women's teams, is not simply a managerial issue. In criminal law, if a federation provides facilities that endanger the physical safety of female athletes while men's teams receive premium facilities, then there is an element of negligence causing harm (omission). Under Article 360 of the Criminal Code, federation officials can be held criminally liable if the neglect of facility safety standards results in serious injury to athletes, because the federation has been negligent in its obligation to protect."

B. RESEARCH METHODS

This article will use a descriptive qualitative research approach to systematically explain the practice of gender discrimination in professional football. Additionally, researchers will thoroughly examine the notion of federal autonomy, the role of sports institutions, and the various forms of wage and facility inequality that female athletes experience. Using the legal disagreement between the USWNT and the U.S. Soccer Federation as the primary reference, the analysis's primary goal is to assess how successful present policies are in handling actual discrimination instances. This approach enables researchers to understand the sociological and legal context of systemic discrimination based on literature and legal documents obtained, in order to assess how far the protection of athletes' fundamental rights can be enforced under national law as well as Lex Sportiva.

C. RESULTS AND DISCUSSION

C.1 Chronology and Legal Basis of The United States Women's National Soccer Team Lawsuit.

On March 31, 2019, twenty-eight members of the United States Women's National Soccer Team (USWNT), including prominent players such as Megan Rapinoe, Alex Morgan, Carli Lloyd, Becky Sauerbrunn, Kelley O'Hara, and Christen Press, officially filed a lawsuit against the United States Soccer Federation (USSF). The USSF is the national governing body responsible for organizing football competitions in the United States, including managing the men's and women's national teams, determining compensation systems, and providing employment facilities for athletes. The lawsuit was submitted to the United States District Court for the Central District of California, alleging that the federation had engaged in gender discrimination by providing unequal treatment to female players.[1] The lawsuit was based on two principal allegations. First, the USSF implemented a compensation system that resulted in significantly lower salaries, match bonuses, and FIFA World Cup bonuses for the USWNT compared to the United States Men's National Team (USMNT), despite the women's outstanding international achievements. Second, the players claimed that they received unequal employment facilities, including inferior training conditions, travel arrangements, accommodation, medical support, and promotional investment. According to the plaintiffs, these differences were not based on objective performance standards but reflected a systematic policy that disadvantaged female athletes because of their gender.

[1] Veronica Adams, "Lawsuit: Proposing a Resolution for Gender Equality by Examining the Equal Pay Laws for Male and Female Sport," *University of Miami Business Law Review 29*, no. 1(2021): 1-32.

The dispute was rooted in a long history of structural inequality in the management of women's football in the United States. Since the mid-1990s, USWNT players had repeatedly expressed concerns regarding unequal treatment. In 2016, five players-Carli Lloyd,Hope Solo, Alex Morgan, Megan Rapinoe, and Becky Sauerbrunn-filed a wage discrimination complaint with the Equal Employment Opportunity Commission (EEOC). However, the complaint did not result in meaningful institutional reform. After years of unsuccessful negotiations, the players concluded that litigation was the only effective legal mechanism to protect their rights.[2] This dissatisfaction became more evident considering that the USWNT had won four FIFA Women's World Cup titles and four Olympic gold medals, while receiving considerably lower financial rewards than the USMNT, whose international achievements were comparatively less successful.

From a legal perspective, the lawsuit relied primarily on the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964.[3] The Equal Pay Act prohibits employers from paying different wages to employees of different sexes for substantially equal work requiring equal skill, effort, responsibility, and performed under similar working conditions. Meanwhile, Title VII prohibits discrimination in compensation, terms of employment, and otheremployment conditions on the basis of sex. The plaintiffs argued that the USSF violated both statutes by maintaining different compensation structures and employment benefits that could not be objectively justified by the nature of the work performed.

[2] Sarah Carrick, "A Two-Pronged Approach: Utilising Sport Governing Bodies' Statutes and Equal Treatment Legislation to Achieve Equality of Treatment in Women's Football," *International Sports Law Journal* 24, no.3 (2024): 247-258.

[3] Equal Pay Act of 1963, Pub. L. No. 88-83, §206(d)(1), 77 Stat. 56 (1963), codified at 29 U.S.C. §206(d)(1).

The dispute concluded in February 2022 through a settlement agreement valued at approximately US$24 million.[4] In addition to the financial settlement, the USSF agreed to adopt a new collective bargaining agreement guaranteeing equal pay and equal working conditions for both the men's and women's national teams. This settlement marked a significant milestone in the development of legal protection against gender discrimination in professional sports and became one of the most influential equality cases in modern sports law.

C.2 Gender Equality and the Principle of Non Discrimination from a Human Rights Perspective

Gender equality is one of the fundamental principles of international human rights law, requiring that men and women receive equal treatment, equal opportunities, and equal protection before the law. More specifically, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines discrimination against women as any distinction, exclusion, or restriction based on that has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise of women's human rights and fundamental freedoms. Furthermore, Article 11 of CEDAW guarantees women's right to equal employment opportunities, equal remuneration, equal treatment for work of equal value, and equal working conditions.[5] These provisions establish that women must receive equal treatment in employment, including in professional sports, without discrimination based solely on gender.

[4] Jiwen Fan, "Analysis of Gender Differences in Sports: Taking American Professional Women's Soccer as an Example," *Studies in Social Sciences & Humanities* 2, no. 12 (2023): 7-11.
[5] United Nations, Convention on the Elimination of All Forms of Discriminations against Womwn, art. 11(1)(d).

The principle of equal remuneration is also recognized under the Equal Pay Act of 1963, which prohibits employers from paying employees differently on the basis of sex when they perform substantially equal work requiring similar skill, effort, responsibility, and working conditions. Applying this principle to the present case, both the USWNT and the USMNT represented the United States in international competitions, performed comparable professional responsibilities, and were managed by the same federation. Therefore, differences in remuneration should not be determined merely by the athletes' gender but must be objectively justified according to the legal standards established by the Equal Pay Act.

From the perspective of international human rights law, the discrimination experienced by the USWNT constitutes a violation of both the principle of non-discrimination and substantive equality. Although the U.S. Soccer Federation argued that the wage disparity reflected differences in commercial revenue generated through ticket sales, sponsorship, broadcasting rights, and merchandise, these commercial considerations cannot override the legal obligation to ensure equal treatment for work of equal value. Moreover, evidence presented during the dispute showed that the federation allocated greater investment, promotional opportunities, and marketing resources to the men's national team, thereby contributing to the commercial disparities it later used to justify unequal compensation.

This argument becomes even less convincing considering that the USWNT achieved substantially greater sporting success than the men's national team, winning four FIFA Women's World Cup titles and four Olympic gold medals. Despite these achievements, female players continued to receive lower salaries, bonuses, and employment benefits. The fact that the federation eventually agreed to implement an equal pay system through the 2022 Collective Bargaining Agreement demonstrates that equal remuneration was institutionally and financially achievable. Consequently, the previous wage disparity cannot be explained solely by economic limitations or market forces but rather reflects an institutional policy that failed to uphold the principle of equality.

Accordingly, the practices adopted by the U.S. Soccer Federation may reasonably be regarded as inconsistent with Article 1 and Article 11 of CEDAW, as well as the principle of equal pay for equal work embodied in the Equal Pay Act of 1963. The unequal treatment experienced by the USWNT was based not on differences in the value of the work performed but on gender-based distinctions in remuneration and employment conditions. Therefore, the federation's policy fulfills the characteristics of gender discrimination under both international human rights law and domestic employment law.

The USWNT case demonstrates that the autonomy of sports federations cannot be exercised without regard to internationally recognized human rights principles. Although sports organizations possess broad authority in managing competitions and employment systems, such authority remains subject to the obligation to respect equality and eliminate gender discrimination. Consequently, this case serves as an important legal precedent showing that commercial considerations cannot be used to justify unequal treatment where athletes perform substantially equal work under the same institutional framework

D. CONCLUSION

The USWNT lawsuit against the U.S. Soccer Federation demonstrates that gender discrimination in professional sports extends beyond differences in salary and facilities, reflecting broader issues of equality and human rights protection. The analysis shows that the unequal compensation system and employment conditions applied by the federation were inconsistent with the principle of equal pay for equal work as established under the Equal Pay Act of 1963, as well as the principles of non-discrimination and substantive equality guaranteed by Articles 1 and 11 of CEDAW.[6] Although the federation argued that differences in commercial revenue, sponsorship, ticket sales, and merchandise justified the wage disparity, these economic considerations cannot override the legal obligation to provide equal treatment where athletes perform substantially equal work.

[6] United Nations, Convention on the Elimination of All Forms of Discrimination against Women, arts. 1 and 11.

Furthermore, the 2022 settlement agreement and the adoption of an equal pay policy demonstrate that the federation was institutionally capable of implementing equal remuneration for both national teams. This finding indicates that the previous wage disparity resulted primarily from institutional policy rather than financial incapacity. Therefore, this case serves as an important legal precedent affirming that the autonomy of sports federations remains subject to domestic employment law and international human rights standards. Future sports governance should prioritize gender equality, transparency, and equal protection to ensure that all athletes receive fair treatment regardless of gender.

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