



Equality in Sport? Inadequate Maternity Policies for Female Professional Athletes

By Annie Garrett, J.D. Candidate 2024 | Queen's University

December 2024

This article is a condensed version of the author's paper written in December 2023 for her "Introduction to International Sports Law" class at Queen's University. The full version, with all references, can be found on the SDRCC website. The opinions expressed are those of the author. They do not necessarily correspond to the SDRCC position on any of the issues.

Introduction

Women's sport has evolved dramatically in the last 50 years. It is nearly unimaginable to think women were prohibited from running in the Boston Marathon before 1972, yet over 10,000 women finished the Boston Marathon in 2022.¹ With more women participating in sports, especially at the professional level, it is natural that we are beginning to observe athletes navigate pregnancy and their return to sport postpartum. For many female athletes in the past, becoming pregnant would likely mark the end of their professional careers.² Considering the window of peak performance for many female athletes overlaps with the window of fertility, allowing athletes to continue with their sport and be a mother has been life-changing.³ Sport organizations would benefit from implementing maternity and return-to-sport postpartum policies to best serve the athletes and in turn, the sport organizations themselves.

Present Conditions

Maternity Policies in Sport Organizations

Many sport organizations currently include pregnancy as an "injury" in their regulations. This inaccurate description creates serious issues for women who may face a legitimate injury following their return to sport. For example, Hilary Stellingwerff, a Canadian two-time Olympian for middle-distance running, lost her financial support after she was injured post-pregnancy.⁴ Since she had already used her "injury card" when she took time off during her pregnancy, she lost her card status and financial support because athletes could not obtain more than one injury card.

Stellingwerff brought this decision to arbitration and won a ruling that the Sport Canada policy of preventing female athletes who have been pregnant from subsequently obtaining a medical card is discriminatory.⁵ The arbitrator for the Sport Dispute Resolution Centre of Canada found this policy treated pregnant female athletes adversely to male athletes based solely on their pregnancy. Sport Canada changed its policy under the Athlete Assistance Program (AAP) following this decision. They removed the term "injury card" and replaced it with "health card," which allows athletes to be nominated for health card status due to pregnancy, injury or illness more than once.⁶ Stellingwerff continues to be vocal about further secure policies being needed, as carding through the AAP is only one part of professional athletes' financial support.⁷

Medical Clearance

Women are often advised to return to activity as early as six weeks postpartum, despite undergoing significant physical, physiological and psychological changes.⁸ Many professionals note that six weeks is an arbitrary time for recovery and medical clearance does not account for broader factors such as fatigue, breastfeeding, hormonal changes or reduced exercise tolerance that can all contribute to an increased risk of injury.⁹ Further, the timeline for returning to training and competitive levels after operative delivery or cesarian section differs significantly compared with a vaginal delivery with no complications.¹⁰ Therefore, each female athlete's postpartum experience will be different, requiring individualized considerations and accommodations.



Public Awareness and Advocacy

Many female athletes have been active in promoting awareness of the need for better resources and protections for pregnant athletes. Alysia Montaño, an American Olympic medalist and six-time USA Outdoor track champion, is the founder of “&Mother”, an organization that focuses on removing systemic barriers to allow full participation and success for mothers in sports.¹¹ Among being an elite runner, Montaño gained significant publicity after she ran the 2014 USA National Championships while eight months pregnant. Her participation in the race placed a spotlight on pregnant athletes and sparked conversations about the capabilities of pregnant women that have since promoted a change in maternity policies. &Mother provides model sponsorship contract provisions for pregnancy and parental leave, in addition to offering support for athletes returning postpartum, including childcare services and lactation support.¹² Organizations such as &Mother help change maternity policies for athletes by promoting awareness and offering concrete examples of beneficial changes that can be implemented.

Recent Improvements

A recent success for female professional athletes is the Women’s National Basketball Association’s (WNBA) 2020 Collective Bargaining Agreement (CBA). The 2020 CBA provides benefits for mothers at every stage, from planning and becoming pregnant to new mothers and returning to sport postpartum. Players receive full salary while on maternity leave and players who are unable to play due to their pregnancy will receive one hundred percent of their salary.¹³

The Ladies Professional Golf Association (LPGA) also introduced a new maternity policy in 2019. The policy allows players to freeze their status for up to two years to focus on their pregnancy and recovery.¹⁴ The policy additionally allows players to choose when to stop competing in events while they are pregnant. Before this update, players were required to play in a specific number of events, or their status would suffer.¹⁵ The LPGA further introduced free childcare services at each event, a landmark program for professional sports organizations. They support new mothers by having a travelling childcare centre that provides services to athletes and staff on tour.¹⁶ While these are beneficial changes for LPGA athletes, the maternity leave offered is unpaid, putting some women in difficult financial positions should they choose to take the leave.¹⁷

Further Recommendations

The lack of evidence-based research surrounding female professional athletes and pregnancy is currently a barrier to developing maternity and return-to-sport policies. There is an urgent need to develop return-to-sport protocols that reflect the unique considerations athletes face during pregnancy and postpartum.¹⁸ Coaches and healthcare providers have stated that general timelines for all athletes to follow concerning pregnancy and return-to-sport are unsuitable given the variance in each athlete’s pregnancy and postpartum experience.¹⁹ A better policy is to use benchmarks and milestones as mere guidelines for athletes, coaches and healthcare providers to use.²⁰ Conducting specific research on pregnant athletes and their return-to-sport postpartum will assist in implementing the most supportive and productive maternity policies.

In connection with the demand for research, an increase in education surrounding professional female athletes and pregnancy should be a focus within sport organizations and the wider community to help stimulate change. Female professional athletes have continuously proven their ability to return to pre-pregnancy competition levels. While it may be surprising to some, recent studies have shown childbirth can have a positive impact on an athlete’s professional career.²¹ The forced break may have physical and mental health benefits, and the shifting of priorities to focus on motherhood in addition to their sport has shown to alleviate stress on performance outcomes.²² By shifting the narrative towards acceptance that professional athletes can become pregnant, give birth, and successfully return to elite sport, sports organizations will be more inclined to make maternity policies a priority.

[1] “Participation Throughout the Years, Boston Athletics Association” (n.d.), online: *Boston Athletic Association* <<https://www.baa.org/races/boston-marathon/results/participation>> (accessed November 24, 2023).

[2] Francine E Darroch et al, “Running from responsibility: athletic governing bodies, corporate sponsors, and the failure to support pregnant and postpartum elite female distance runners” (2019) 22:12 *Sport in Society* 2141 [Darroch, “Running from Responsibility”].



- [3] Margie H Davenport et al, "It's going to affect our lives, our sport and our career: time to raise the bar for pregnant and postpartum athletes" (2023) 57:14 Br J of Sports Med 893 [Davenport, "Time to Raise the Bar"].
- [4] *Stellingwerf v Athletics Canada* (31 December 2015), 15-0278, online: SDRCC <http://www.crdsc-sdrcc.ca/resource_centre/pdf/English/804_SDRCC_15-0278.pdf>.
- [5] *Ibid* at para 36.
- [6] Sport Canada, Athlete Assistance Program, Policies and Procedures, (1 November 2022) online: <<https://www.canada.ca/en/canadian-heritage/services/funding/athlete-assistance/policies-procedures.html>>.
- [7] David Giddens, "Athlete moms and the fight for funding" CBC Sports (10 May 2020) online: <https://www.cbc.ca/sportslongform/entry/mother-athletes-fighting-for-funding> [Giddens, "Fight for Funding"].
- [8] Jenna M Schulz, Hana Marmura & Chloe M Hewitt, "Navigating the 'new normal': what guidelines exist for postpartum return to physical activity and sport?" (2023) Br J of Sports Med doi: 10.1136/bjsports-2023-107166
- [9] *Ibid*.
- [10] Francine Darroch et al, "Effect of Pregnancy in 42 Elite to World-Class Runners on Training and Performance Outcomes", (2023) 55:1 Med & Science in Sports & Exercise 93 [Darroch, "Effect of Pregnancy"].
- [11] &Mother, "About Us- Our Vision" (2021), online: <<https://andmother.org/about>>.
- [12] *Ibid*.
- [13] Lens, "WNBA's 2020 CBA", *supra* note 36.
- [14] Michaela Alfano, "LPGA: The Moms On Tour" (11 May 2023), online: <<https://www.wsportsxchange.com/post/lpga-the-moms-on-tour>>.
- [15] *Ibid*.
- [16] *Ibid*.
- [17] *Ibid*.
- [18] Davenport, "Time to Raise the Bar", *supra* note 3.
- [19] Lauren Ray et al, "Filling the evidence void: exploration of coach and healthcare experiences working with pregnant and postpartum elite athletes" (2023) Br J of Sports Med.
- [20] *Ibid*.
- [21] Darroch, "Effect of Pregnancy", *supra* note 34.
- [22] *Ibid*.

To read the full original version of this article, with references:

https://www.crdsc-sdrcc.ca/eng/documents/Annie_Garrett_-_Sports_Paper_FULL_EN.pdf