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How UFC Fighters are Being Punished in the Mouth Even After Stepping out of the Cage

BY WILLIAM SCHWARTZ / ON NOVEMBER 29, 2022



Photo from Dylan Notle on Unsplash

There is no questioning that the Ultimate Fighting Championship (“UFC”) is the premier mixed martial arts (“MMA”) promotion in the world.¹ The UFC does pay their fighters more than other MMA promotions,² but there are still plenty of people rightfully claiming that the UFC substantially underpays their fighters.³ In 2019, the UFC made over \$900,000,000 in revenue and paid their fighters less than \$150,000,000.⁴ That is sixteen percent of their revenue, which is significantly lower than what the National Football League (“NFL”), National Basketball Association (“NBA”), and Major League Baseball (“MLB”) pay their players.⁵ Those aforementioned leagues pay their players between forty-eight and fifty percent of the revenue they make, considerably higher than what the UFC pays their fighters.⁶ Perhaps a better comparison might be to a similar sport, boxing. However, the problem is the same when comparing boxers to UFC fighters. The top UFC fighters are making nowhere near the amount the top boxers make.⁷ For example, a top UFC heavyweight fighter is being paid a base salary⁸ from of \$600,000 as compared to a top heavyweight boxer who is making a base salary of \$30,000,000.⁹ The problem is obvious. The questions then become why are UFC fighters making so little money, and how can this issue be solved?

First, it is important to look at how the problem came to be. MMA promoters offer extremely unfair contracts to their fighters with the intention of tying up their talent and restricting free agency.¹⁰ UFC fighters are all independent contractors, and the promotion

uses a fear tactic to get some of the deals done.¹¹ The promotion has all the power and will not hesitate to drop a fighter who tries to rock the boat.¹² The solution to this problem is for fighters to band together as independent contractors and form a fighters union. The fighter's union would allow for fighters to collectively bargain and demand fairer wages.¹³ The UFC is currently one of the only major sporting promotions in the world without a player's association.¹⁴

Part of the issue with creating a fighter's union is that the UFC fighters are currently classified as independent contractors instead of employees.¹⁵ As independent contractors instead of union members, the fighters are not able receive protection under the National Labor Relations Act ("NLRA").¹⁶ Section 7 of the NLRA allows employees the right to self-organize in order to collectively bargain together.¹⁷ Section 7 allows for fighters to complain of low pay and not have to worry about being fired or disciplined.¹⁸ In the UFC, unionizing is especially important because of the unique set up of the promotion. In the UFC, fighters don't choose who they fight, but rather the promotion matches them with their next opponent.¹⁹ The ultimate goal of a fighter is to fight for a world title. However, since the promotion chooses who you fight, any fighter that speaks out against the UFC can be looked over for a title shot they might deserve.

Other issues in forming a union include the fact that the sport itself pits the fighters against one another.²⁰ It is hard to join metaphorically join hands with someone that you are paid to beat up in a cage.²¹ While this is true, boxers, who compete in a similar combat sport to MMA, have been able to better negotiate and protect themselves from unfair promotions and low pay.

Boxers aren't subject to the unfair fighter pay that the UFC faces because they are regulated by federal law in the Muhammad Ali Boxing Reform Act ("Ali Act").²² The UFC, unlike boxing promotions, is not subject to this act.²³ If UFC fighters want to be paid more, they need something similar to this act.

The Muhammad Ali Boxing Reform Act was created because of similar situations the UFC faces today, unfair abuse by promotions. ²⁴ In particular, the issue was brought to light when boxing champion Mike Tyson was defrauded by his promoter for over \$100,000,000.²⁵ This incident caused Congress to conduct investigations and eventually pass the Muhammad Ali Boxing Reform Act in 2000 with the intention of protecting boxers from unfair contractual agreements and standards.²⁶

The Ali Act provides many provisions that must be followed by boxing promoters. Many of them involve protecting boxers from fraud and keeping promoters honest as to what they are taking from their fighters.²⁷ While this was important for the development of boxing, it doesn't have much relevance for UFC fighters. This issue was more specific to boxing, as many of the managers were taking advantage of their fighters and stealing money from them through terrible contracts.²⁸ This article focuses more on UFC fighter's ability to be paid more, not be protected from fraudulent promoters stealing their money.

The Ali Act does have relevance to the UFC when it discusses contract disputes and salary. One of these provisions is that the Ali Act allows for the Association of Boxing Commissions ("ABC"), a non-profit organization, to create a minimum contractual

standard for all promotions and their fighters.²⁹ The overall goal of this section is to eliminate abuse that is enabled by inequitable contracts.³⁰ The main takeaway from the Ali Act provision is that it provided protection for fighters and allowed them to take better control of their contracts. Without the Ali Act, or something similar protecting UFC fighters, MMA promotions were able to design the landscape to their benefit.³¹

MMA fighters were not given the luxury of having a federal provision protect them during their formational years. Therefore, UFC fighters need to find a way to fight together and unionize if they want to see a real change in their pay.

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26. Id. at 2258-59.
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30. Id.
31. Dundas, *supra* note 9.