

equality of treatment and opportunities of access to employment, vocational training, promotion and working conditions, applicable in the field of private and public employment, will be guaranteed, in the terms provided for in the applicable legislation, in access to employment. The Article defines direct discrimination as:

‘Direct discrimination on the basis of sex is understood as the situation in which a person who has been or could be treated, in the light of his or her sex, in a less favourable way than another in a comparable situation.’

Further, Article 8 on discrimination against pregnancy or maternity and direct discrimination based on sex constitutes an unfavourable treatment of women in relation to pregnancy or maternity.

Article 29, dedicated to sports, states:

‘1. All public sports development programs shall incorporate an effective consideration of the principle of real and effective equality between women and men in their design and implementation.
2. The Government shall promote women’s sport and promote the effective opening of sporting disciplines to women through the development of specific programs at all stages of life and at all levels, including responsibility and decision-making.’

Without a doubt women’s social progress is evident, but despite the apparent equality of opportunity between men and women, there are still obstacles that impede effective equality.

Spain, is also a signatory of the Brighton Declaration of equality in the field of sport. Despite this, effective equality has not been achieved. And all this, in the context of the specificity of sport, which cannot justify the failure to comply with fundamental norms, such as maternity.

The Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Convention on the Elimination of All Forms of Discrimination against Women are included in this international context.

Stop the silence. Women must continue to fight against discrimination in sport. It is absolutely necessary that we lead our own future. To combat these practices which go against the dignity of women, women must unite at the highest level. We have to empower ourselves. We must break this glass ceiling.

St Louis Cardinals’ found vicariously liable for hacking

Major League Baseball’s (‘MLB’) Commissioner, Robert D. Manfred Jr., ordered the St Louis Cardinals’ (‘Cardinals’) top two picks in the 2017 First-Year Player Draft and \$2 million in compensation to be awarded to the Houston Astros (‘Astros’) on 30 January 2017 following an investigation into the hacking of Astros’ email system and scouting database by former Cardinals executive Chris Correa. Correa pleaded guilty in federal court to five counts of unauthorised access of a protected computer.

On 18 July 2016, following an FBI investigation, Correa was sentenced to 46 months in prison and ordered to pay the Astros \$279,039 in restitution. Correa had accessed the Astros email system and analytical scouting database multiple times in 2013 and 2014. Following the completion of criminal proceedings, the Office of the Commissioner of Baseball instructed the MLB Department of Investigations to conduct an investigation into the matter. The findings of the review were submitted to Commissioner Manfred who recognised that although Correa’s conduct was not authorised by the Cardinals, the Cardinals must be held responsible for his conduct as a matter of MLB policy.

Spyros M. Arsenis, Of Counsel at Gerard Fox Law PC, believes that the Commissioner had to make a strong statement in this regard, as the Cardinals had benefitted from Correa’s illegal activity and received an unfair competitive advantage to the detriment of the Astros. “It’s also important to note that under Article II of the Major League Constitution, the Commissioner of the MLB has broad authority to act, in what’s known as, the ‘best interest of baseball,’” explained Arsenis, “with this in mind, it’s fairly clear to see that in today’s day and age where player evaluation is often based on proprietary sports analytics and algorithms, the deterrence of cyber theft and corporate espionage has taken on newfound prominence.”

Although Correa’s behaviour was found to be an isolated incident by a single individual, the wider implications may prove to be a call to action for all sports to ensure that they are doing enough to protect the data in their possession. “I’m sure they [the teams] have now implemented security awareness training for their staff and employees, have instituted password management systems, and have implemented ‘two-factor authentication’ to protect sensitive data,” comments Arsenis. “The importance of committing resources to cyber security should not be underestimated.”