

Paper
#5



Food for Justice

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and Food Inequalities
in a Bioeconomy

2021

How to harvest in a pandemic?

The German media coverage of
migrant workers and harvesting in the
context of the Covid-19 crisis in 2020

Carolin Küppers

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Abstract

The COVID-19 pandemic has widely been discussed as a crisis that impacts daily life on a global scale, including food security, global supply chains, consumer behaviour and nutrition. In this crisis, providing food became an even more essential service, agricultural work became an essential activity, and with this, farm workers became so-called essential workers. In Germany, this topic was broadly taken up by local and national newspapers. Due to immense media interest during the first lockdown, the working conditions in the food sector and especially the marginalized status of farmworkers were rendered visible to a broader public. This paper analyses the discourses and how food production in times of the pandemic affects pre-existing workers' inequalities and lack of workers' rights, revealing migrant workers as one of the most vulnerable groups in the German food system. It concludes by demonstrating that the mechanisms of Covid-19, which have been exacerbating existing inequalities in the food sector during the pandemic, are part of a structural socio-economic and socio-political crisis that must be regarded in the context of global capitalism and intersectional inequalities.



KEYWORDS: covid-19, pandemic, food inequalities, migrant harvest workers, armworkers, agriculture, food production, exploitative working conditions

Short biography

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Introduction

The COVID-19 pandemic has widely been discussed as a crisis that impacts daily life on a global scale, including food security, global supply chains, consumer behaviour and nutrition. As the pandemic proceeded in 2020, existing problems of the food system became part of the political agenda and gained public visibility. In this crisis, providing food became an even more essential service, agricultural work became an essential activity, and with this, farm workers became so-called essential workers – or in German: ‘systemrelevant’. This paper analyses the discourses and how food production in times of the pandemic affects pre-existing worker inequalities and lack of workers’ rights, exposing migrant workers as one of the most vulnerable groups in the German food system.

Most research on Global Production Networks [GPNs] in the food sector shows how food production worldwide relies on the exploitation of workers. [Phillips and Sakamoto 2012; Reckinger 2018]¹ But so far, this research has been primarily situated in countries that have large informal sectors, weak labour unions, and dual labour markets [Ban 2016; Durazzi, Fleckenstein, and Lee 2018]² and this field is rather understudied in Europe. In Germany, nobody expects this kind of exploitation as informal-sector work in the economy is low, and labour relations are usually regulated by unions. [Mummert and Schneider 2002; Cosma, Ban, and Gabor 2020] However, it is becoming increasingly visible that this form of exploitation and inequality also applies to countries such as Germany. Though formal equality of all nationalities is statutory in Europe, vast differences exist in terms of who actually has the freedom to live and work everywhere. Eastern Europeans are the lowest in the hierarchy of European nations – as Eastern Europe has the lowest wages and the highest poverty and unemployment rates. Accordingly, migrant contract workers from Eastern European countries as Romania, Slovakia and Poland are responsible for most of the farmwork in Germany.

At the beginning of the pandemic, Eastern European workers were not allowed to cross inner-European borders due to travel restrictions and German farmers articulated the anxiety that their harvest would go to waste. Local and national newspapers broadly took up this topic. Due to massive media interest during the first

1 References to the data sample do not follow the literature style; they are quoted as [name of the newspaper, date].

2 There is f. ex. a considerable body of research on how the food sector in Brazil exploits harvest and meat workers under almost slave-like conditions. [Bales, Trodd, and Williamson 2009; Kaplinsky 2005; Ponte 2008; Barrientos, Gereffi, and Rossi 2010] Most people who are working in exploitative conditions in Brazilian agriculture come from extremely poor regions [as f. ex. the “state of Maranhão, where annual per capita GDP is rarely over around 3,000 reais”] and are often racialised. [Phillips and Sakamoto 2012, 298].

corona lockdown, the working conditions in the food sector as well as the marginalised status of farmworkers, in particular, was subject to a greater degree of public attention.

In this paper, I aim to analyse the media discourses on how the pandemic affected food production and worker's rights in Germany. Working conditions in the food sector are a form of food inequality – often constructed through class and race. As the Junior Research Group Food for Justice: Power, Politics, and Food Inequalities in a Bioeconomy aims to analyse injustices in the food system, this case selection is informed by the theoretical debates on food inequalities as multidimensional and intersectional inequalities. [Motta 2021b] Furthermore, a postcolonial and intersectional approach informed the empirical analysis, as conceptualized under the framework of food inequalities. [Motta 2021a]

After introducing my data sample and methodology [1], I will outline the trajectory of events around agricultural work in times of the pandemic, to which the analysed media articles refer [2].

At different points, specific events came to be hegemonial in the media representation and the associated discourse [3]. At the beginning of the first lockdown in March 2020, there was anxiety about who would bring in the harvest, followed by comments on the swift political reaction and newly introduced supplementary rules regarding short term contracts [3.1]. Once the harvest seemed saved, the focus shifted between May and July to the working conditions of those who were responsible for saving the harvest – Eastern European seasonal contract workers [3.2]. In this context, some cases of workers claiming their rights also gained visibility. I will portray one of these cases – that of Spargel Ritter, Bornheim – 3.3. In autumn, media interest in harvest work and harvest workers declined. The discourse turned to silence and invisibility without any political consequences. Indeed, the German federal government allowed for the same working conditions to be implemented this year. This decision exacerbates existing inequalities in the food sector. In my conclusion, I will thus argue that this is part of a structural socio-economic and socio-political crisis, which must be understood in the context of global capitalism and intersectional inequalities.

1 | Corona and food in the media – data and method(ology)

◆ 1.1. Data collection

To obtain a general overview of which topics concerning food emerged in the pandemic, I searched for the keywords “Corona UND Ernährung” [corona AND food³] in the database WISO [GBI-Genios n.d.]. My goal was to understand which topics were covered in the media regarding food, nutrition, food production and food justice during the pandemic.

After a first framing⁴ of these articles, I detected that migrant workers in the food sector – and the “harvest crisis” in particular⁵ – were addressed by almost all newspapers at some point. One can thus qualify this as a key issue for the German food system during the pandemic. As such, I decided on an in-depth inquiry, a complete survey of all articles that addressed harvest work during the pandemic in 2020.

To cover the most important discursive threads, I collected all articles from nine major German Newspapers: Bild, Süddeutsche Zeitung, Frankfurter Allgemeine Zeitung [FAZ], Die Zeit, Frankfurter Rundschau, Die Welt, Der Tagesspiegel, Der Spiegel and Die Tageszeitung [taz]. The criteria for the newspaper selection were their circulation and scope, as shown in table 1, as well as their political leanings regarding a broad spectrum of political views⁶.

3 Translating the German word Ernährung with food is actually insufficient, as it could also mean diet and/or nutrition.

4 Framing means the process of embedding events and topics into an interpretive frame. Thereby complex information can be selected and edited to define specific problems, casual attributions, evaluations or even guidance for the respective topics. [Matthes 2014].

5 Later in 2020, the “meat industry crisis” was also broadly addressed in the media. In a follow up paper, we will compare the discourses on migrant seasonal harvest workers and migrant contract workers in the meat industry more closely.

6 The nationwide newspapers are often classified according to the political spectrum in Germany. The Süddeutsche Zeitung and the Frankfurter Rundschau are regarded as left-liberal, the Frankfurter Allgemeine Zeitung as conservative-liberal, the Welt as conservative and the taz [tageszeitung] as left-alternative. The Zeit is regarded as liberal and caters to an academic audience whereas the Bild is regarded as conservative and as part of the tabloid press. The Berliner Tagesspiegel is situated between regional and nationwide newspapers and is considered liberal.

Table 1

Distribution⁷, sale⁸ and coverage of chosen newspapers

Newspaper	Distribution (IVW)*	Sale (IVW)	Scope/coverage in millions of readers 2020 (AWA)**	Scope/coverage in millions of readers 2020 (other sources)***
Bild	1.208,664	1.202,673	6,3	-
Frankfurter Allgemeine	214,445	200,883	0,87	-
Frankfurter Rundschau	164,207	154,374	-	0,74
Spiegel	655,371	649,235	5,09	-
Süddeutsche Zeitung	327,255	320,159	1,21	-
Tagesspiegel	109,328	107,018	-	0,36
Taz – Die Tageszeitung	50,924	50,284	-	0,32
Welt	76,224	70,883	0,51	-
Zeit	574,492	547,39	2,2	-

Figure refers to quarter 4/2020. Numbers for RheinMainMedia in total, including FNP, Höchstler Kreisblatt, Taunus Zeitung, Nass. Neue Presse, Rhein-Main-Zeitung.

* Source: Informationsgemeinschaft zur Feststellung der Verbreitung von Werbeträgern e.V. [IVW] 2021.

** Source: Institut für Demoskopie Allensbach 2021

*** Sources: RheinMain.Media [RMM] 2021; Der Tagesspiegel 2021, Axel Springer 2021.

According to the availability of each newspaper I searched the databases WISO Presse, Nexis Uni, F.A.Z.-Bibliotheksportal and the Süddeutsche Zeitung Archive using the keywords “Erntehelfer UND Corona” [harvest workers AND corona]⁹. Altogether, I found 424 newspaper articles that dealt with harvest work and agriculture in the context of the pandemic.

7 Distribution means the de facto circulation, i.e. the sum of sales and free copies, excluding residual, archive, and specimen copies.

8 Sale means the total of sold newspapers in circulation, i.e. subscription and individual sales, neither returned, reading circle, in-flight copies, nor other sale channels are considered.

9 The following newspapers were consulted using WISO: Bild, Spiegel, Tagesspiegel, Welt; Nexis Uni: taz, Die Zeit; F.A.Z.-Bibliotheksportal: Frankfurter Allgemeine Zeitung, Frankfurter Rundschau; Süddeutsche Zeitung Archiv: Süddeutsche Zeitung; Wiso and Nexis were consulted in parallel for articles from: Die Zeit.

1.2. Method & methodology

As a methodological framework, I chose an adaptation of critical discourse analysis [CDA] [Lazar 2005; Wodak 2001] and the sociology of knowledge approach to discourse analysis [SKAD] [Keller 2011]¹⁰. The principal aim of CDA is to unmask the discriminatory use of language [Keller 2017, 1-2], while SKAD enables an examination of the discourse actors and their relationship to the discourse, thus expanding the linguistic perspective of CDA. Consequently, the combination of CDA and SKAD allows for a focus on the re_construction of structural and political contexts as well as the formation of subject positions of discursive actors [Küppers 2018, 203]. It allows to analyse how discursive narratives constitute subject positions of discourse protagonists, in this case migrant harvest workers. Reconstructing how the subject positions of migrant workers become visible in the German media coverage of the Covid-19 pandemic and the food sector exposes changing speakabilities and processes of subjectivation during the course of the pandemic. As most societal debates are reflected in media coverage, the focus on the media discourse with newspaper articles as data are a suitable source for an analysis of hegemonic societal discourses.

To uncover the different discursive threads in the media articles, I used the coding method introduced by Kathy Charmaz [2006] in her book "Constructing Grounded Theory: A Practical Guide Through Qualitative Analysis"¹¹. She suggests two phases of coding: initial and focused. [Charmaz 2006, 42-60] While initial codes stick closely to the data, focused codes are more directed, selective and conceptual, using "the most significant and/or frequent earlier codes to sift through large amounts of data." [Charmaz 2006, 57] With this approach, the initial codes can be filtered to make the most analytic sense in terms of categorising the data incisively. Applying these two phases of coding supports uncovering the trajectory of the discourse and the most important discursive structures/threads. The next step would be developing axial codes to relate categories to subcategories and receive a more detailed analysis. Since we are still in the early stages of our research project, this paper presents and discusses some initial findings that were derived from the first two phases of coding the data in combination with the first step of CDA – the structural analysis of the discourse [Jäger 2006].

10 I define the research perspective of discourse analysis chosen for this paper as a methodology, not a method. Methodologies can be regarded as a form of negotiation between theoretical assumptions and methodological processes [Truschkat 2012, 70]. The paper negotiates between discourse theory, which deals with the systematic analysis of the importance of discourses in the social construction of reality [Keller 2005, 16] and the corresponding empirical application of data analysis of the respective newspaper articles.

11 Grounded theory methodology itself is actually also introduced as a methodology, as it aims for the theory deriving from the empirical data, instead of starting with a hypothesis and conducting research to test it. [Glaser and Strauss 1967; Strauss and Corbin 1994]. But in this paper, I use the coding procedures of GTM as a method, as my methodological frame already focuses on discourses.

2 | Timeline of events

Figure 1

Timeline of agriculture and the Covid-19 pandemic (2020-2021)



April 2

40,000 workers are allowed in April and May respectively while observing corona hygiene regulations (i.a. entries only through international airports, health checks, quarantine, ...)

April 2

Federal Minister of Internal Affairs Horst Seehofer (CSU) and Federal Minister of Agriculture Julia Klöckner (CDU) agree upon a special permit to allow seasonal workers to enter Germany.

April 9-14

About 3.000 seasonal workers from Rumania arrive to the airport Karlsruhe/Baden-Baden (Baden-Airpark GmbH, state of Baden-Württemberg)

April 2

...working in fixed teams, registration through the website of the German Farmers' Association). End of May, this permit is prolonged until 15 June.

April 11

In Bad Krozingen, state of Baden-Württemberg, a Rumanian seasonal worker dies in his accommodation after an infection with COVID-19.

June 10

Klöckner presents the policy paper "seasonal workers in German agriculture with regards to health and labor protection". The respective measures apply from 16/06/2020 to 31/12/2021.

May

Strike at the asparagus farm „Spargel Ritter“ in Bornheim (North Rhine-Westphalia). For more detail see section 4.3.

June 10

Based on cancelled admission restrictions seasonal workers can enter Germany by air and land. Agricultural businesses must comply with strict hygiene regulations which will be controlled for by local authorities

July 26

174 seasonal workers are reported as infected with the coronavirus on a cucumber farm in Mamming, state of Bavaria. The whole farm is placed under quarantine.

July 15

96 farm workers are tested positive for COVID-19 on an asparagus farm in Inchenhofen, state of Bavaria (all without symptoms).

July 27

In reaction to coronavirus outbreaks in the agricultural sector, Bavarian prime minister Söder [CSU] increases fivefold the fines for non-compliance with hygiene regulations from € 5,000 to € 25,000.

August 11

Bavaria implements the legal obligation to test seasonal workers for corona, a negative test result becomes a prerequisite for working in the Bavarian agriculture.

August 28

Minister of Agriculture Klöckner presents the harvest report 2020.

December 3

Beschäftigungssicherheitsgesetz (Federal law securing employment): the special regulations concerning wage subsidies for reduced work and limits for supplementary income are prolonged until the end of 2021.

September 16

The Federal Government decides to prolong the Kurzarbeitsregelung [regulations facilitating time reduced work] until the end of 2021.

October

Media attention concerning seasonal work subsidies, some articles on grape, hops, and apple harvests are published occasionally.

January 22

Notwithstanding high numbers of coronavirus cases, EU member states decide against restricting the traffic of goods and commuters across EU internal borders

March

The asparagus season starts, for the first time up to 5.000 seasonal workers from Georgia will be deployed. Seasonal workers are requested to present a negative corona test result...

March

... not any older than 48 hours upon arrival or a to obtain a negative test result within two days after arrival in order to be allowed to work in German agricultural businesses.

March

Accommodation: maximum oft two persons per container/room, minimum of twelve square meters, obligatory cleaning and hygiene plans

March

New rules for seasonal work Work: Fixed teams of a maximum of four persons, only for certain tasks up to 15 persons

2021



The data analysis in section 4 is restricted to the newspaper articles from 2020. As the political developments in 2021 are also important for the analysis, however, the timeline continues to 2021.

3 | Corona and migrant contract workers in agriculture

3.1. Harvest-anxieties & asparagus-airlifts

At the beginning of the COVID-19 pandemic and the first lockdown in March 2020, the German agricultural sectors' biggest fear seemed to be the lack of migrant harvest workers and the idea that tons of vegetables might go to waste because there was no one to harvest these. The reason behind this anxiety is that fresh food supply chains in Germany's agribusinesses "depend on cheap, non-unionised, and privately managed labour from low-wage eastern European countries" (Cosma, Ban, and Gabor 2020). Since the 1990s, the flexible pool of farmworkers in high-income EU member-states like Germany shrank due to urbanisation and rural flight. Many rural women e.g. joined non-farm labour markets (Rye 2014; Kasimis, Papadopoulos, and Pappas 2010), and low-skilled rural youth took up better-paid jobs in the growing service sector (García-Colón 2020). Additionally, the restructuring of the social security system and the labour market by the red-green-alliance¹², also known as Agenda 2010, created the base for the development and expansion of contract and temporary work, as well as a growing low-wage-sector. (Birner and Dietl 2021, 87f.)

The consequence is that without at least 300.000 migrant harvest workers from Eastern Europe¹³, the perishable-food supply chains in Germany and Europe would fall apart, and the anyhow incredibly low prices to date could not be sustained¹⁴. A fact that has "once again, and in a dramatic way, been highlighted by the Covid-19 pandemic" (Cosma, Ban, and Gabor 2020). Due to the measurements to contain the spread of the coronavirus many European borders closed and the federal re-public implemented restrictions of entry and departure on March 25th 2020, which included seasonal workers.

Local and national newspapers broadly took up this topic, and especially the harvesting of asparagus seemed to be a major concern. Phrases such as "Who will

12 The red-green-alliance was the federal government coalition between the green party (Bündnis 90/Die Grünen) and the social democratic party (SPD) between 1998 and 2005.

13 The latest ascertained number were 286.000 seasonal workers, that were needed to secure the German harvest season. (Brandt 2020)

14 A survey conducted by the market research institute IRI in 2016 shows, that food prices in Germany are cheaper than in any other industrial nation. (IRI 2021) One of the reasons behind this is the incredible market power of the four leading supermarket chains – Edeka, Rewe, Aldi and the Schwarz-grorup (Lidl and Kaufland) – who control more than 85% of the German food market. This enables them to cut prices and to put pressure on the producers. (Lünenschloß and Zimmermann 2018)

harvest our asparagus fields” (Bild, 16.03.2020)¹⁵, or “Who will save the asparagus?” (Die Zeit, 16.04.2020)¹⁶ were widely used as headlines. Expressions such as “save” are rather strong metaphors that establish an interpretive framework of having no alternative or choice. Here, the metaphor of a need to save the asparagus refers to urgency, even a national interest. It symbolises the pressure to ensure the needed harvest workers will be there on time before precious high-quality crops go to waste¹⁷. But asparagus, especially white asparagus, is not just any high-quality crop in Germany – it can legitimately be considered a symbol for German food culture and cuisine. As Akhil Gupta (2012, 43) shows, crops and cuisine depict how people construct – among others – class hierarchies, ethnic identities, and distinctions between the sacred and profane. As a symbol for German haute cuisine, asparagus is often treated as a national treasure.

At first, the Department of Nutrition and Agriculture reacted by introducing an online-platform called “Das Land hilft/The country lends aid” (Bundesministerium für Ernährung und Landwirtschaft (BMEL) n.d.) that was dedicated to placing volunteers on farms in need of harvest workers. (Frankfurter Allgemeine Zeitung, 23.03.2020) Most media articles appraised this as an act of solidarity, but also reported on owners of asparagus farms demanding exceptions to Covid-19 emergency measures in order to procure their usual supply of seasonal skilled workers from Eastern Europe. In the media, there were many explanations of the following order:

“The idea that people with reduced working hours due to corona, or pupils and students, could assist with harvesting asparagus merely seems convincing at first glance. They could not replace harvest workers from Poland or Romania [...].” Jürgen Benninghoven, a farmer, explains why: “200 volunteers got in touch with me, but I had to decline all of them. To cut asparagus, you need to be trained. If you cut too deep, you’ll destroy the heart of the mother plant.” (Bild, 03.04.2020)¹⁸

Politically, this led to loosening lockdown restrictions for workers to enter the country at the beginning of April thanks to the rather powerful agricultural lobby in Germany. Agricultural minister Julia Klöckner (CDU) and the minister for internal affairs, Horst Seehofer (CSU), agreed that in both April and May 40,000 seasonal workers from Eastern Europe, mostly Romania, were allowed to enter the country.

As a result of this decision, farmers organised charter flights to transport workers from Romania to Germany. In the media, these flights were often referred to as airlifts, an expression that harks back to the Berlin Airlift after World War II, which ensured the food supply of Western Berlin and enabled that part of the city to re-

15 “Wer erntet jetzt unsere Spargel-Felder” (Bild, 16.03.2020)

16 “Wer rettet den Spargel?” (Die Zeit, 16.04.2020)

17 40,000 seasonal workers must be annually employed to ensure the asparagus harvest in Germany alone (Die Zeit, 16.04.2020).

18 “Die Idee, dass Corona-Kurzarbeiter oder Schüler und Studenten bei der Spargelernte helfen, wirkte nur auf den ersten Blick überzeugend. Denn die können polnische und rumänische Erntehelfer, die bislang ausblieben, nicht ersetzen. Der erste Bauer erklärt warum! [...] Jürgen Benninghoven [...]: “Bei mir haben sich zwar 200 Freiwillige gemeldet. Aber ich habe allen absagen müssen. Spargelstechen will gelernt sein. Wenn man zu tief sticht, zerstört man das Herz der Mutterpflanze.” (Bild, 03.04.2020)

main in the sector of the western allies¹⁹.

This again shows the importance ascribed to providing asparagus to the German population, which is treated as a national treasure. What's more, the asparagus harvest was considered the vital question for all following harvests in 2020 and, therewith, German food security in general²⁰:

“An airlift for harvest workers; this has never been done before. [...] The asparagus harvest this year could be regarded as a crucial test. Asparagus is the first harvest season of domestically cultivated crops in this crisis, caused by the coronavirus. If this harvest succeeds, conclusions can be drawn for all following harvest seasons. If it fails entirely or partly – the same can be said.” [Der Tagesspiegel, 21.03.2020]²¹

The Covid-19 pandemic demonstrated that the food supply in Germany, and indeed through Europe, is in desperate need of seasonal workers from Eastern Europe. But it was only after the harvest had come to be perceived as secure that media coverage focussed the migrant contract workers themselves and their working conditions.

3.2. Working conditions

Despite the dependency of German agriculture on migrant contract workers, their working conditions are incredibly poor. While Eastern European workers, in theory, enjoy the legal protection awarded to formal labour by German law, the Covid-19 pandemic has exposed, and in some cases aggravated, working conditions that are often exploitative. [Cosma, Ban, and Gabor 2020] Of course, such exploitative working conditions existed long before the Covid-19 pandemic. But due to the significant media interest during the first corona lockdown, the working conditions in the food sector and the marginalised status of farmworkers were made visible to a broader public. [Die Zeit, 04.06.2020; Süddeutsche Zeitung, 24.09.2020]. In the following section, I would like to illustrate these working conditions, the specific forms of exploitation, and how this is depicted in my data.

3.2.1. Recruitment

Mostly, the exploitation of harvest workers begins with their recruitment in their country of origin. Specialized agencies and subcontractors promise appealing con-

19 The Western Allies organised the Berlin Airlift (Berliner Luftbrücke) between June 26th 1948 and September 30th 1949 to carry supplies by plane to the sectors of Berlin under Western control after the Soviet Union blocked the railway and road access. The so-called Berlin Blockade was one of the first major international crises of the Cold War. For more detail see Provan 1998.

20 Obviously, there are also other rationales at play here, e. g. the economic interests of an influential farm sector with strong political representation. But the narrative of the asparagus harvest being the litmus test for all following harvests was the dominant narrative in media discourse.

21 “Eine Luftbrücke für Erntehelfer, das gab es noch nie. [...] Man kann die Spargelernte dieses Jahr getrost als Nagelprobe betrachten. Der Spargel ist das erste frische Gemüse aus heimischen [sic!] Anbau in dieser Krise, die das Coronavirus ausgelöst hat. Wenn diese Ernte gelingt, lassen sich Rückschlüsse auf alle folgenden ziehen. Gelingt sie nicht oder nur zum Teil – dann auch.” [Der Tagesspiegel, 21.03.2020]

ditions such as free accommodation and transport and German minimum wage – usually for a commission of up to €500 [Birner and Dietl 2021, 38]:

“When George Mitache heard from the job in Germany at the beginning of April, he could hardly believe his luck. An acquaintance from the neighbouring village was recruiting for the strawberry harvest in Germany promising €5,000 to €6,000 for three months of work on a farm close to Bonn. The flight, the accommodation, and the food would be for free” [Der Spiegel, 18.07.2020]²².

But when the workers arrive in Germany, they often find out that these were empty promises, that they have to work off the cost of their flight, and that the rather run-down accommodation will be deducted from their salary. “Instantly their passports were taken away. “We were kind of locked up”, said Mitache. “All of a sudden they said we were supposed to work off the costs for our flight and the food.” [Der Spiegel, 18.07.2020]²³

As can be seen in the above quote, it is quite common for farmers or subcontractors to collect and keep the worker’s passports. Supposedly, this is in the interest of safeguarding or to taking care of the visa [Die Zeit, 23.04.2020; Der Spiegel, 18.07.2020] but as a consequence, the workers cannot leave the farms: “Vasile Stan wants to go home, but he cannot leave. They took his passport, and nobody told him why. Now, he wants to receive his pay [...] but his boss has not showed up this afternoon.” [Süddeutsche Zeitung, 18.08.2020]²⁴

The workers are thus isolated from the majority of the population and a relationship of dependency with the respective employer is established. [Jacobs 2020] Additionally, this is a clear violation of the right to freedom of movement, which situates this practice and the situation of the workers at the border of forced labour and neocolonial practices. This is clearly a form of structural racism, as Eastern European workers – in contrast to most other European citizens – are denied their right to freely choose their place of work and residence within the EU.

3.2.2. Accommodation

Migrant harvest workers constantly live and work in the most confined of spaces. [taz, 27.03.2020] Most of them have to live with many others in one small room or container, and the sanitary installations are often described as insufficient and run-down: “Mitache and the other Romanians did not complain; not even about their accommodation: a shack in a tractor hangar, constructed from chipboard,

22 “Als George Mitache Anfang April von dem Job in Deutschland hörte, konnte er sein Glück kaum fassen. Ein Bekannter aus dem Nachbarort sammelte gerade Leute für die Erdbeerernte in Deutschland ein. 5000 bis 6000 Euro sollte es für drei Monate Arbeit auf einem Hof bei Bonn geben, versprach der Vermittler. Flug, Unterkunft und Verpflegung seien umsonst” [Der Spiegel, 18.07.2020].

23 “Gleich zu Anfang seien ihnen die Ausweise abgenommen worden. »Wir waren quasi weggesperrt«, sagt Mitache. »Die Kosten für den Flug und das Essen müssten wir abarbeiten, hieß es auf einmal.« [Der Spiegel, 18.07.2020]

24 Vasile Stan will nach Hause, aber er kann nicht weg. Sie haben seinen Ausweis genommen, warum, hat ihm niemand gesagt. Jetzt will er den Lohn haben [...] aber sein Chef lässt sich an diesem Nachmittag nicht blicken [Süddeutsche Zeitung, 18.08.2020].

where they had to live with ten people in one room.” [Der Spiegel, 18.07.2020]²⁵

It is not uncommon for up to ten people to share a room. Sometimes four to six people share a container of a little over five square metres. “Fair mobility”, a project of the German Federation of Trade Unions (DGB) that assists in the enforcement of fair wages and working conditions for migrant workers on the German labour market, has even reported on a case where 150 people had to share one kitchen, two toilets and four showers. [Birner and Dietl 2021, 39]

3.2.3. Hygienic measures

During the pandemic, these hygienic conditions did not improve, despite legal directives. The 50% occupancy guideline of the Federal Ministry of Food and Agriculture was rarely applied on the farms. [taz, 04.04.2020; Süddeutsche Zeitung, 28.07.2020] Right from the beginning on the airlift flights, social distancing regulations were ignored [taz, 14.04.2020]. This was also the case on the busses that drove workers to their work in the fields. On many worksites, sanitary facilities and disinfectants were missing entirely [Süddeutsche Zeitung, 18.08.2020] and the wearing of masks was often not possible due to the working conditions on the fields: “The picture of a worker shows harvest workers under a plastic sheet, shoulder to shoulder. Nobody wears a mask. Nine big companies in this region have done nothing to protect their workers.” [Der Spiegel, 18.07.2020]²⁶

Considering these conditions, it is not surprising that there were reports of corona-outbreaks on the farms that the farmers accepted:

“Once more, there was a coronavirus outbreak affecting an agricultural enterprise, this time in Mamming, Lower Bavaria. At least 174 seasonal workers tested positive for covid. “It has been known for years that seasonal workers are working side by side on the fields and using reaper machines”, says Guia. She is working for the DGB [German Trade Union Confederation] advisory service “Arbeit und Leben” [Work and Life] in Düsseldorf which provides advice to European workers in their native language. Even in times of corona, she says, the accommodation is cramped, many workers live in crowded containers and have to share showers and toilets. In collaboration with the trade union IG Bau, the DGB advisory service visited five fruit farms. Only two of them has more toilets and containers at their disposal than before the pandemic.” [Süddeutsche Zeitung, 28.07.2020]²⁷

25 “Mitache und die anderen Rumänen beschwerten sich nicht, auch nicht über ihre Unterkunft: einen aus Spanplatten gezimmerten Verschlag in einer Traktorhalle, wo sie zu zehnt in einem Raum wohnten. Darin dröhnten auch nachts riesige Kühlschränke, die Arbeiter konnten kaum schlafen.” [Der Spiegel, 18.07.2020]

26 “Ein Foto einer Arbeiterin zeigt Erntehelfer Ende April unter der Plastikplane, Schulter an Schulter, keiner trägt eine Maske. Neun große Firmen in der Region hätten nichts getan, um die Arbeiter zu schützen, heißt es in einer Beschwerde von Mitarbeitern an die Behörden.” [Der Spiegel, 18.07.2020]

27 “Abermals ist es zu einem Corona-Ausbruch in einem Agrarbetrieb gekommen, dieses Mal im niederbayerischen Mamming. Mindestens 174 Erntehelfer wurden positiv auf das Virus getestet. “Es ist seit Jahren bekannt, dass Saisonarbeiter auf den Feldern und an den Erntemaschinen dicht beieinander arbeiten müssen”, sagt Guia. Sie arbeitet für die DGB-Beratungsstelle “Arbeit und Leben” in Düsseldorf, die europäische Arbeitskräfte in deren Muttersprache berät. Auch in Corona-Zeiten, sagt sie, seien die Unterkünfte weiter- hin beengt; viele Arbeiter wohnten gedrängt in Containern und mussten sich Duschen und Toiletten teilen. Fünf Obsthöfe hätten sie als Beratungsstelle zusammen mit der Gewerkschaft IG BAU kürzlich besucht. Nur zwei davon hätten mehr Toiletten und Container nachweisen können als vor Corona.” [Süddeutsche Zeitung, 28.07.2020]

Even in mainstream media there were reports on this disparity: while measures like social distancing, solidarity and staying healthy applied everywhere else, this did apparently not count for migrant farmworkers. [taz, 17.04.2020] It became clear that not all lives [or life as such] mattered and not all lives were supposed to be protected, only those of specific individuals: German citizens. This reveals a logic of social selection, with affinities to Foucauldian biopolitics, in terms of which lives are worth protecting and which are not. [Lessenich 2020]

Fair Mobility for example] which exacerbates their isolation and dependency: “Stan violated his employment contract, the farmer supposedly said, because he was in contact with Fair Mobility.” [Süddeutsche Zeitung, 18.08.2020]

3.2.4. Quarantine & isolation

Additionally, in 2020, there was the precept of a so-called 14-day work-quarantine in reaction to the pandemic: “This spring, less than a hundred farmworkers from Romania could come. The first two weeks [...] they were only allowed to leave their accommodation when they were taken to the fields – the so-called work-quaranti-ne.” [Frankfurter Allgemeine Zeitung, 25.07.2020]²⁸

As the quote shows, this meant that migrant workers were allowed to work but not allowed to leave the farms. As they could not go shopping anywhere else, they were forced to buy overpriced food in farm shops that were set up especially for them. [Sell 2020] It is also standard practice to threaten workers with penalties if they talk to the embassies from their countries of origin or to union counsellors [from Fair Mobility for example], which exacerbates their isolation and dependency: “Stan violated his employment contract, the farmer supposedly said, because he was in contact with Fair Mobility.” [Süddeutsche Zeitung, 18.08.2020]²⁹

3.2.5. Contracts & insurance

One possible explanation for these threats could be the common practice that farmworkers only receive their contracts upon arrival; some even work for weeks with no contract at all. [Süddeutsche Zeitung, 28.07.2020] The terms of the agreements are often opaque, and farmers tend not to provide the workers with copies of their contracts, an illegal practice in Germany. [Grajewski and Seufert 2021] This leads to arbitrary wage politics, as it allows employers to disregard formal terms, change contracts retrospectively, and resort to informal agreements and quotas. [García-Colón 2020, 259] Migrant farmworkers can lose their jobs at any juncture for complaining about their working and living conditions:

28 “In diesem Frühling konnten weniger als hundert Landarbeiter aus Rumänien anreisen. Die ersten zwei Wochen [...] durften [sie] ihre Wohnungen nur verlassen, wenn sie zum Feld gefahren wurden – die sogenannte Arbeitsquarantäne.” [Frankfurter Allgemeine Zeitung, 25.07.2020]

29 “Stan habe seinen Arbeitsvertrag verletzt, soll der Landwirt gesagt haben, weil er Kontakt zu “Faire Mobilität” gehabt habe” [Süddeutsche Zeitung, 18.08.2020].

“Two weeks after their arrival, the Romanians wanted to know how much money they had earned. They had not even worked off the airplane ticket, they were told. If that did not suit them, they could go, the job agent apparently added. “After three weeks, we asked the German boss for the promised employment contracts. He got angry and shouted at us to get lost and leave the farm”. That was on May 13th. “We still had to sign something, and then we were left standing in the rain”.” [Der Spiegel, 18.07.2020]³⁰

Additionally, farmworkers generally lack health insurance and paid sick leave. Thus, missing a day of work because of illness is not an option for the majority (Dorning and Skerritt 2020; Leslie 2020). Many migrant farmworkers who feel unwell continue to work for fear of losing their job. They also avoid seeking medical treatment (Neef 2020, 641), for which they usually have to pay privately – as attested to here: “The colleagues were afraid to call an ambulance. “Mr. and Mrs. Wagner always said that an ambulance costs €1,500 and that the seasonal workers would have to pay for it out of their own pocket.” (taz, 24.08.2020)³¹

German legislation paved the way for this form of exploitation. As shown in the timeline, migrant workers are allowed to work for up to 70 days without social or health insurance. During the first corona lockdown, this period was even extended to 115 days due to the pressure of the agricultural lobby. Therewith, the structural disempowerment of migrant workers “was aggravated by the pandemic crisis, as the German state accommodated the structural pressures to lower labour costs in the farming sector” (Cosma, Ban, and Gabor 2020).

3.2.6. Working hours & control mechanisms

Seasonal farmworkers are often forced to work longer hours (shifts of 12-14 hours are quite common) despite the fact that legal regulations such as the minimum wage of €9.35 per hour and the maximum working periods of 10 hours per day, theoretically apply to every person working in Germany. There is a tremendous lack of active regulation and control when it comes to the working conditions in German agriculture. This cannot solely be blamed on a lack of political will, it is also due to the complicated issue of responsibilities regarding institutions of control:

“Depending on the respective federate state and the problem definition (working hours, salary, or accommodation) a different institution is responsible. Customs controls payroll accounting, the employer’s liability insurance association is usually responsible for the accommodation but currently, because of the pandemic, [it is] the public health department.” [Die Zeit, 04.06.2020]³²

30 Zwei Wochen nach der Ankunft wollten die Rumänen wissen, wie viel Geld sie verdient hätten. Nicht einmal das Flugticket hätten sie abgearbeitet, hieß es. Wenn es ihnen nicht passe, könnten sie gehen, habe der Vermittler gesagt.] “Nach drei Wochen fragten wir den deutschen Chef nach den zugesagten Arbeitsverträgen. Da wurde er wütend und schrie uns an, wir sollten sofort abhauen und den Hof verlassen.” Das war am 13. Mai. “Wir mussten noch irgendwas unterschreiben, dann standen wir auf der Straße” [Der Spiegel, 18.07.2020].

31 Die KollegInnen hätten Angst gehabt, einen Krankenwagen zu rufen. “Herr und Frau Wagner sagten immer, dass ein Krankenwagen 1.500 Euro kostet und die Saisonarbeiter das aus der eigenen Tasche zahlen müssen.” (taz, 24.08.2020)

32 “Zuständig dafür ist je nach Bundesland und nach Art des Problems (Arbeitszeit, Lohn oder Unterkunft) eine andere Institution. Die Lohnabrechnung muss der Zoll kontrollieren, die Unterkünfte die Berufsgenossenschaft in der Regel, und momentan ist wegen der

Fair Mobility has been criticising this lack of control for years. [Deutscher Gewerkschaftsbund (DGB) 2020]. They call for more staff at the “financial control of illegal employment” [Finanzkontrolle Schwarzarbeit, FSK], which should, they maintain, become the institution of general control. However, as most forms of exploitation applied by employers in agriculture are not even illegal, one could still question if this is politically intended to keep the so-called Eastern-European workforce available and dependent. [Birner, Dietl 2021, 72]

3.2.7. Wage cuts & wage deceit

For the most part, workers only receive their wages at the end of their work stay. Without leaving the legal frame entirely, farmers use many different techniques to cut wages. As a general practice, board and accommodation are deducted from salaries, and usually, the rents are disproportionately high. [Jacobs 2020; García-Colón 2020, 260] Occasionally, employers even charge a rental fee for working equipment. Often, farmers do not recognise the actual amount of work hours, such as the time necessary to prepare equipment or walk from one field to the next. At times, they pay only for the hours registered in the contracts afterwards, even if these differ vastly from the actual hours worked. As workers rarely receive a contract, it is hard for them to prove or check if they were paid for all of the hours they worked. The most common means of wage deceit in agriculture is the conversion of a piece rate to working hours [Birner and Dietl 2021, 41] or payment according to achievement instead of working time:

“[...] bills were paid based on efficiency: for every basket of strawberries three euros. For one, it took us at least 45 minutes. Many times, they worked ten hours a day.” [Der Spiegel, 18.07.2020]³³. “The workers are paid piecework wages. That means those who work faster earn more money. But it also means that those who work slowly do not even get minimum wage.” [Die Zeit, 04.06.2020]³⁴

These forms of exploitation create specific vulnerabilities. Given that workers usually receive their salary just shortly before leaving, it is often too late for them to complain or prove the actual number of hours they worked:

“The evening before he left, he finally received his money. However, only €725 for almost four weeks of work. [...] The farmer pushed him and he, Stan, was afraid. “I only wanted the money I worked for”, he said. And that Germany was a country for him, where things are done correctly.” [Süddeutsche Zeitung, 18.08.2020]³⁵

Pandemie das Gesundheitsamt zuständig.“ [Die Zeit, 04.06.2020]

33 “[...] abgerechnet worden sei nach Leistung: pro Kiste Erdbeeren drei Euro. »Dafür brauchten wir mindestens 45 Minuten.« Oft arbeiteten sie zehn Stunden pro Tag.“ [Der Spiegel, 18.07.2020]

34 “Bezahlt werden die Arbeiter nach Akkordlohn. Das heißt: Wer schneller arbeitet, verdient auch mehr. Das heißt aber auch: Wer zu langsam ist, bekommt oft nicht mal den Mindestlohn.“ [Die Zeit, 04.06.2020]

35 “Am Abend zuvor habe er auf dem Hof doch noch sein Geld bekommen. Allerdings nur 725 Euro – für fast vier Wochen Arbeit. Stan habe seinen Arbeitsvertrag verletzt, soll der Landwirt gesagt haben, weil er Kontakt zu “Faire Mobilität” gehabt habe. Der Landwirt habe ihn geschubst, und er, Stan, habe Angst gehabt. “Ich will nur mein Geld, für das ich gearbeitet habe”, sagt er. Und, auch das: Deutschland sei für ihn ein Land gewesen, in dem es korrekt zugehe. Vasile Stan will nicht mehr zurückkommen.“ [Süddeutsche Zeitung, 18.08.2020]

Many of the workers are simply confused as to why they receive so little wages after 12-14 hours on the field for six days a week. As is apparent in the quote above, they expected German labour contracts to be fair and precise. Even during the pandemic, when farm workers were in high demand, many experienced grossly unfair wage deductions. Moreover, measures enacted to tackle corona worsened their existing precarity as they faced increased restrictions such as being prevented from leaving their respective farms. Overall, the structural disempowerment of migrant seasonal workers was exacerbated by the pandemic crisis, especially given the German state's accommodating stance regarding the structural pressures to lower labour costs in the farming sector. [Cosma, Ban, and Gabor 2020] Thus, the attribution of being 'essential' did not at all correlate with increased recognition or payment. There were no real political consequences with regard to establishing improved control mechanisms or working conditions in 2020 nor to adapt them to the circumstances of the pandemic with relevant sanitary measures.

◆ 3.3. Justice claims/worker's fighting for their rights

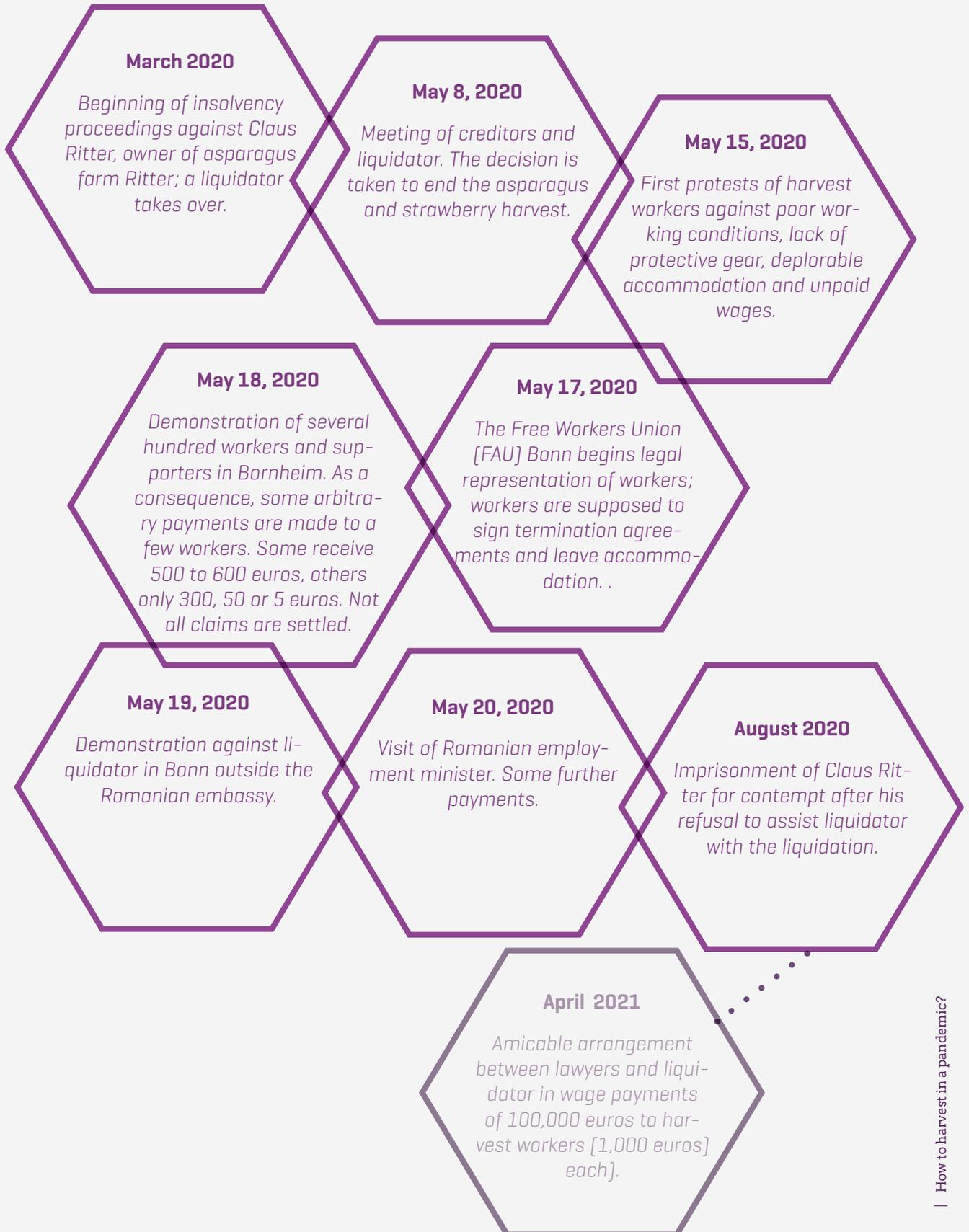
The pandemic had a two-fold effect on workers' rights. On the one hand, working conditions worsened, as explained above. On the other, due to enhanced media interest during the first corona lockdown, greater public attention was paid to the working conditions of farmworkers, their marginalised status, and their structural disempowerment. This visibility led to a challenge in the perception of migrant workers as passive agents. [Cosma, Ban, and Gabor 2020] Furthermore, the fact that there were fewer workers than needed afforded them some agency to demand better working conditions.

One case that received a lot of media attention was the strike of 200 migrant harvest workers at the farm "Spargel Ritter" – an asparagus farm in Bornheim, North Rhine-Westphalia. The company belonged to the Ritter family but had been in insolvency administration since the beginning of March.

Nevertheless, they employed hundreds of seasonal workers whom they later refused to pay the agreed salaries.

Figure 2

Timeline of the strike at the asparagus farm "Spargel Ritter" in Bornheim (North Rhine-Westphalia), May 2020



When several workers left early and received only 100 to 250 euros for a month of hard work, the remaining majority realised that they themselves would equally go unpaid. On May 15th 2020, they stopped working on the asparagus and strawberry fields and started to protest the wage deceit, the working conditions and the state of their accommodation [Marten, Claire, and Malamatinas 2020, Freie Arbeiterinnen- und Arbeiter-Union [FAU] n.d.-a.]. It is particularly interesting that despite their isolation from any form of support, it was the workers themselves who went on an unofficial strike, rather than a union initiating negotiations over a labour agreement. [Anna Wunderlich in Sommer 2020] It was only after the workers initiative that the Free Workers Union [FAU]³⁶ took over their legal representation on May 17th.

The isolation of migrant farm workers from the German majority society/population typically leads to a state of general ignorance in terms of their over-exploitation. Their joint organising with the Free Workers Union [FAU] in Bonn, however, successfully led to a nationwide sensation [Marten, Claire, and Malamatinas 2020, Freie Arbeiterinnen- und Arbeiter-Union [FAU] n.d.-a.]. Despite efforts on the part of the farm's lawyer to separate the German and the Romanian staff, acts of solidarity between all workers and nationwide headlines lead to at least some payments. The FAU also managed to get offers from other farms, where the Ritter workers could work under better conditions. [Birner and Dietl 2021, 124] Finally, in April 2021, the workers won their case. In an amicable arrangement with the FAU lawyers, the farm agreed to payments in the amount of €100,000. [Weiermann 2021] Certain alternative newspapers, such as f.ex. Neues Deutschland, commented as follows:

“The seasonal workers showed that it was worth fighting for their rights. The relentless effort of lawyers Harald Klinke und Stefan Hübner, the solidarity of the workers with a combative union behind them made his success possible. Especially in view of the recent debates around seasonal work without health insurance in the midst of a pandemic, this result shows that seasonal workers cannot be treated like serfs without rights”, says Emilia Steinhausen, activist of the FAU Bonn.”³⁷

Nevertheless, the interest in the working conditions of migrant contract workers died down after the harvest season in 2020. No political or legal changes followed the summer of visibility. On May 7th 2021, the Federal Assembly [Bundesrat] instead decided that for that year seasonal workers would once again be allowed to work for 102 days without social insurance and health insurance in German agriculture. As such, the federal government paved the way for continued exploitation of migrant harvest workers³⁸.

36 The Free Workers Union [FAU] is an anarcho-syndicalist union federation, consisting of various local unions.

37 “Die Saisonarbeiter*innen haben gezeigt, dass es sich lohnt für ihre Rechte zu kämpfen. Der unermüdliche Einsatz der Anwälte Harald Klinke und Stefan Hübner sowie das solidarische Miteinander der Arbeiter*innen, mit einer kämpferischen Basisgewerkschaft im Rücken, hat diesen Erfolg möglich gemacht. Gerade vor dem Hintergrund der aktuellen Debatte um Saisonarbeit ohne Krankenversicherung in der Corona Pandemie zeigt dieses Ergebnis, dass Saisonarbeiter*innen nicht einfach wie rechtlose Leibeigene behandelt werden können.”, so Emilia Steinhausen, Aktivistin der FAU Bonn. [Freie Arbeiterinnen- und Arbeiter-Union [FAU] n.d.-b]

38 What is also striking is that these protests and demands for better working conditions are not taken up by German food movements

Conclusion

The Covid-19 pandemic disrupted the global food system and emphasised its structural inequity. [Wild 2020] It seemed as if a majority of the population first realised the importance of reliable food supply chains at this juncture. It led to a reevaluation of which jobs were 'essential' or – in German – 'relevant to the system'. The media coverage during the first lockdown also facilitated a discussion that the category of 'essential workers' frequently corresponded with the most critically underpaid workers. [Kisner 2021] The dependency of German agriculture on migrant seasonal workers as well as the state of their working conditions both became clear. Although workers' rights in Germany officially apply to all workers in the country, independent of their nationality; workers in the agricultural sector are barely implemented and rarely audited [Deutscher Gewerkschaftsbund [DGB] 2021].

The discourses on migrant harvest workers that emerged during the Covid-19 pandemic are hardly new. Still, they clearly demonstrate the insecurities, vulnerabilities and social inequalities that have long been reproduced by global capitalism. [Dörre 2020, par. 6] Additionally, the Covid-19 pandemic exacerbated existing inequalities in the food sector, and it became clear that these inequalities are part of a structural socio-economic and socio-political crisis that should be regarded in the context of global capitalism and intersectional inequalities. The intersection with citizenship and racialization evident in the case of migrant workers in the German food sector is another dimension of the structural inequalities that need to be considered.

Over the course of the last few decades, companies have systematically tried to bypass fair working conditions and fair wages. In the beginning, this casualisation and deformalisation was enacted through the relocation of factories and production facilities to regions with advantageous preconditions for wage dumping. [Birner and Dietl 2021, 87] But this form of outsourcing is limited to mobile industries; other industries, such as agriculture and food production, are immobile and cannot as easily be transferred overseas. In these industries, one can observe an increasing tendency for working conditions to align with those in mobile sectors. What mobile industries attain via outsourcing occurs in immobile industries via the economy of subcontractors and short-time contracts. Thus, agriculture creates a low-wage sector in which workers de facto have no rights [ibid.]. The European Posted Workers Directive enables German farmers to employ workers under the labour law of their respective countries of origin instead of German labour law. As previously mentioned, there are countless agencies and subcontractors that specialise in transferring migrant workers from Eastern and Southern Europe to Germany while applying Romanian, Polish or Slovenian labour law. Their employment

such as "Wir haben es satt". There is occasional cooperation with German unions [Faire Mobilität, IG BAU & FAU] but in contrast to Brazilian or other Latin American food justice movements, worker's rights are not part of the claims of German food movements. This will be discussed more thoroughly in the follow-up working paper which will compare the discourses around the harvest and the meat industry crisis in 2020/21.



status is so confusing to the workers concerned that they don't know which rights apply for them and which do not. (Birner and Dietl 2021, 88)

Thus, the exploitation of migrant contract workers in German agriculture is hardly the indication of a malfunction of the capitalist, neoliberal economic model but rather one of its fundamental components. The same logic of colonial working conditions, where slaves work for famine wages to ensure the wealth of economic centres such as Europe, are reproduced here. (Reckinger 2018, 229) The Covid-19 pandemic once again shows the nexus of disadvantage at the intersection of 'race' [or nativity/citizenship] and 'class'. "Capitalism, as a social-economic system, is necessarily committed to racism" (Federici 2004) and classism. Or as Silvia Federici put it in her book "Caliban and the Witch" (2004): "For capitalism must justify and mystify the contradictions built into its social relations [...] by denigrating the 'nature' of those it exploits" – in this case at hand; immigrant workers displaced by globalisation.

The pandemic exposed how the concept of liberty and self-fulfilment in modern societies is linked to citizenship and based on the exploitation, exclusion and inequality of non-citizens. The discourses around 'essential work' conceal the fact that the low-wage sector did not emerge accidentally but was purposefully enabled [or even created] to secure benefits for citizens of the welfare state. As such, exploitation and social inequality are just as 'essential' as the workers who are now identified as such. (Blühdorn 2020) As long as German legislation allows farmers to employ migrant workers without social insurance and health insurance; as long as only minimum wage is mandatory instead of a consistent union wage; as long as subcontracted or posted labour is legal; and as long as the German state is reluctant to enforce labour legislation consistently and to the full; this form of exploitation will continue in one way or another.

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