

# "WE'RE NOT IN EUROPE HERE"

EXPLOITATION IN GERMANY'S ASPARAGUS,  
STRAWBERRY, AND VEGETABLE FARMS



Initiative  
Faire Landarbeit



OXFAM  
Deutschland

## SUMMARY

Oxfam's latest study casts a glaring spotlight on some dark corners of Germany's supply chains. In contrast to earlier studies, Oxfam has conducted its research not on the other side of the world, in tropical and subtropical farming regions, but right before its own front door: on Germany's domestic asparagus and strawberry farms. The seasonal workers here who harvest farm produce destined for Germany's supermarkets experience exploitation and poor working conditions. Wage dumping, exorbitant rents, and inadequate health insurance are ubiquitous. For this study, Oxfam has cooperated with the PECO-Institut and the Initiative Faire Landarbeit. The study is based on independent research by Oxfam Deutschland and a report of the PECO-Institut for which workers from four farming enterprises were interviewed. By making test purchases, these enterprises were identified as suppliers of German supermarkets.

### Exorbitant rents for housing barracks and termination for illness

The results of our research are appalling: While the minimum wage in principle applies to seasonal workers on the asparagus and strawberry farms, interviews revealed the use of various methods for systematically cutting wages—even to levels below the minimum wage. Many workers are confronted with a dizzying combination of hourly rates and piece-work pay schemes and report that they are given harvesting quotas that are difficult or impossible to meet. A further problem involves excessive deductions

from their pay. Workers pay up to 420 Euro per month for the most basic communal lodgings—and thus more than the average rent in Germany's big cities. The rent paid for lodging at one of the enterprises studied amounted to 40 Euro per square meter—while the average rent before charges and utilities in Munich's city center lies at around 23 Euro per square meter. The lodgings moreover resemble barracks: there is no kitchen, so tenants have to cook on portable hotplates. 50 people share a single toilet facility. "We're not in Europe here," sums up Adrian\*, one such worker. The enterprise he works for delivers produce to Aldi Nord and Edeka, among others. The giant supermarket chain Edeka boasted on its website about "lodgings like in a hotel." After Oxfam pointed out the discrepancy, Edeka erased the reference.

Besides poor pay, another big problem is inadequate health insurance for the workers. Most of them have no comprehensive health insurance or state that they are not insured at all. The majority are hired under the rubric of "short-term employment." Enterprises generally cover such short-term employees under a private, group-insurance policy, which provides a much narrower scope of coverage than the public insurance plans. Many workers report that they have to pay for treatment out of their own pockets. As a result of extremely short notice requirements for termination—in some cases as short as one day—it happens that workers must undertake the long voyage home while still ill or injured.

### Pitiless price squeezing by the supermarkets leads to exploitation and the dying out of small farms

Responsibility for these untenable working conditions does not lie exclusively with the farming enterprises, which hire seasonal workers. Above all, it lies with the German supermarkets, which pay ruinous prices for strawberries and asparagus. Aldi, Rewe, Edeka, and the Schwarz-Group—which owns Kaufland and Lidl—together account for more than 85 percent of all German retail food sales. Farmers report that the supermarkets use their enormous market power to exert pitiless price pressure on strawberry and asparagus producers. In most cases, producers don't even have the opportunity to negotiate: If they can't deliver at the price the supermarkets want to pay, they can keep their strawberries. Further, there are reports about unfair trading practices. Many of our interview partners stated, for instance, that in certain cases the supermarkets sent fresh produce back without paying for it.

The farming enterprises pass this price pressure on down the line: to the workers in the field, who are scarcely in a position to defend themselves. And there are other consequences: many smaller farms go under. Oxfam Deutschland and the Initiative Faire Landarbeit demand that the rights of seasonal workers be respected and that the supermarkets end the enormous price pressure they are exerting on suppliers.

# 1 FOREWORD

from the Initiative Faire Landarbeit

Farm produce arrives on your table by way of supply chains involving highly unequal power structures and intense competition. Farming enterprises operate under enormous price pressures. To keep their production costs low, farms specialize their crops, design working procedures to be as efficient as possible, and expect high performance from their employees. Seasonal workers find themselves at the bottom of the supply chain's power pyramid.

The lion's share of hard physical labor required on farms is concentrated into the harvest season, which lasts only a few months, and 95 percent of this labor is provided by workers who don't have German citizenship.<sup>1</sup> The 274,700 people employed as migrant seasonal workers constitute nearly one-third of all those employed in this sector.<sup>2</sup>

For us at Initiative Faire Landarbeit, the voices of these workers are of central importance: The interviews conducted with seasonal workers make it clear that our comrades from central and eastern Europe are put under massive pressure—the entrepreneurial risk is passed on to their backs. This occurs, for example, by



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The Initiative Faire Landarbeit informs workers about their rights by going directly into the fields—here in Brandenburg in June 2022.

means of high harvesting quotas, flexibly defined working hours, non-transparent recording of hours worked, low wages, inflated rents for communal lodgings, inadequate or nonexistent insurance protection in the event of illness, termination on short notice, and avoiding social security contributions through short-term employment contracts. Competition and price pressures in the supply chains thus have a direct, real impact on the working and living conditions of migrant seasonal workers. At the same time, the state's oversight of minimum wages and worker protection standards are grossly inadequate and scarcely take into consideration the workers' perspectives.

## ON THE TITLE "WE'RE NOT IN EUROPE HERE"

"Europe," in the minds of people all over the world, stands for human rights, wealth, and a life with dignity. The worker quoted seems to be alluding to this ideal image after experiencing a very different reality performing seasonal work in Germany.

On account of its failing to address the consequences of European colonialism, negotiating unfair trade agreements, and tolerating human rights abuses on the borders of the EU, this image of Europe has suffered some significant cracks. The conditions endured by seasonal workers are yet another shortcoming in urgent need of correction.

## 2 INTRODUCTION



**WHAT DO YOU THINK?**  
How many years would Aldi-Süd heir Karl Albrecht Junior have to work, in order to earn his wealth by harvesting asparagus?



When the long winter is finally over, people look forward not only to better weather, but also to having spring on their dinner plates: fresh asparagus and strawberries, ideally from Germany. On the shelves of supermarket chains and fruit and vegetable stands on the street corner, the exhibited wares entice their customers, and newspapers are full of sophisticated recipes. The shocking conditions under which fresh, seasonal produce is harvested remain out of sight for consumers.

*“I just came here for the money.  
I can’t wait to get back home.”*

**Ioana\***, worker at the vegetable farm Behr

### How could this have happened?

Our food system is out of whack. All over the world, as many as 828 million people suffer from hunger<sup>3</sup> and, even in Germany, more and more people are struggling with rising food prices. At the same time, an ever smaller number of farmers are able to generate sufficient revenues to operate in compliance with ecological and social standards.<sup>4</sup> The climate crisis only exacerbates the situation: On the one hand, the climate conditions render more and more regions unfit for agriculture; on the other, the climate conditions are aggravated by industrialized agriculture. Especially vulnerable to exploitation are the field workers in need of wages, who often leave their homelands behind to work on farms. In many cases, they are producing food for German supermarkets.<sup>5</sup>

Yet the Corona pandemic, the climate catastrophe, and the turmoil caused by Russia’s war of aggression against Ukraine have produced not only losers. Out of every Euro that was earned in Germany during the first year of the pandemic, 81 cents went to the richest one percent of the population.<sup>6</sup> Between 2020 and 2022, 62 people worldwide

were made billionaires by doing business in the food-stuffs sector.<sup>7</sup> The richest man in Germany was before the pandemic and remains today Lidl and Kaufland owner Dieter Schwarz. The Aldi brothers Theo and Karl Albrecht Jr. occupy places number 6 and 7.<sup>8</sup>

That is no accident. The four giant supermarket chains, Edeka, Rewe, Aldi, and the Schwarz-Gruppe (Lidl and Kaufland), together account for more than 85 percent of the retail food market—and since the liquidation of Real, this figure is likely to have grown yet again.<sup>9</sup> The supermarket chains enjoy enormous market power, which is brought to bear on their suppliers in the form of brutal price squeezing. Oxfam has brought this to light in numerous studies involving tropical fruits, tea, and wine from South Africa, Ecuador, and Costa Rica.<sup>10</sup> But things don’t look much better for domestic fruit and vegetable growers. This is the conclusion to be drawn from interviews conducted within the framework of this study with German farmers and experts on the sector. One consequence of price squeezing is the increasing rate of small and mid-sized farm closures in Germany. The EU’s policies on agricultural subsidies only make matters worse by favoring large industrialized farming operations.

The farming enterprises should not feel exculpated from all responsibility for exploiting workers on their fields in Germany by blaming the overweening power of supermarkets. But it is the price pressure initially exerted by the supermarkets that farming enterprises pass on to farm workers. The supermarkets are at the source of the problem. To establish a food system, which takes the needs of seasonal workers, farmers, the environment, and ultimately all of us as consumers adequately into consideration, one must start by addressing the power of the large retailing corporations. The examples in our study also show, however, that seasonal workers can organize themselves collectively and stand up for their rights.

### 3 METHODOLOGY

Answer on p.22



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Harvesting asparagus is hard physical labor.

For the present study, the PECO-Institut in the harvesting season of 2022 carried out interviews with a total of 66 workers on four farms: Behr Gemüse-Garten AG, Spreewaldbauer Ricken, Tannenhof Meinhardt, and Spargelhof Beelitz GmbH & Co. KG. The workers were asked about their working and living conditions. Research allowed us to identify these farms as suppliers of the major German supermarket chains (see the illustration on page 6). In addition, employees of the PECO-Institut in preparing this study evaluated interviews with advisors from the Initiative Faire Landarbeit. The report produced by the PECO-Institut constitutes the basis for the present study.<sup>11</sup> For purposes of publication of the PECO-Institut study, the names of the enterprises under investigation were suppressed.<sup>12</sup>

Employees of Oxfam, moreover, took part in field work of the Initiative Faire Landarbeit. In the spring of 2023, additional questions were posed to seasonal workers at Spreewaldbauer Ricken. For our research on price squeezing by the supermarkets, Oxfam employees interviewed producers, industry associations, and producer organizations, and also carried out a structural evaluation of press reports. All the enterprises named in this study received a copy of the passages that concern them and were given the opportunity to send us their comments prior to publication. We present their replies in Part 7 of this study.

#### ANTI-RACIST AND GENDER-SENSITIVE LANGUAGE IN THIS STUDY AND THE USE OF NAMES

The authors of this publication have made a conscious effort to use language that is sensitive, gender-appropriate, and as free as possible from racism and discrimination. Within sexist and patriarchal structures, not only women, but also trans-, inter-,

non-binary, and a-gender persons are impacted by discrimination and exploitation. Where we refrain from using a gender-neutral term, we mean to refer unambiguously to the gender with which the person or individual members of a group of persons being named identify. Where the context makes clear that we are referring to a legal person, we avoid gender pronouns. Thus, a supplier, in this study, means an enterprise supplying products or

services and not a person. Names marked with an asterisk (\*) have been changed. To protect the persons cited, who might be exposed to negative consequences such as loss of employment on account of their statements, we refrain from referring to them by name.

## 4 WORKING CONDITIONS IN SEASONAL FARMWORK

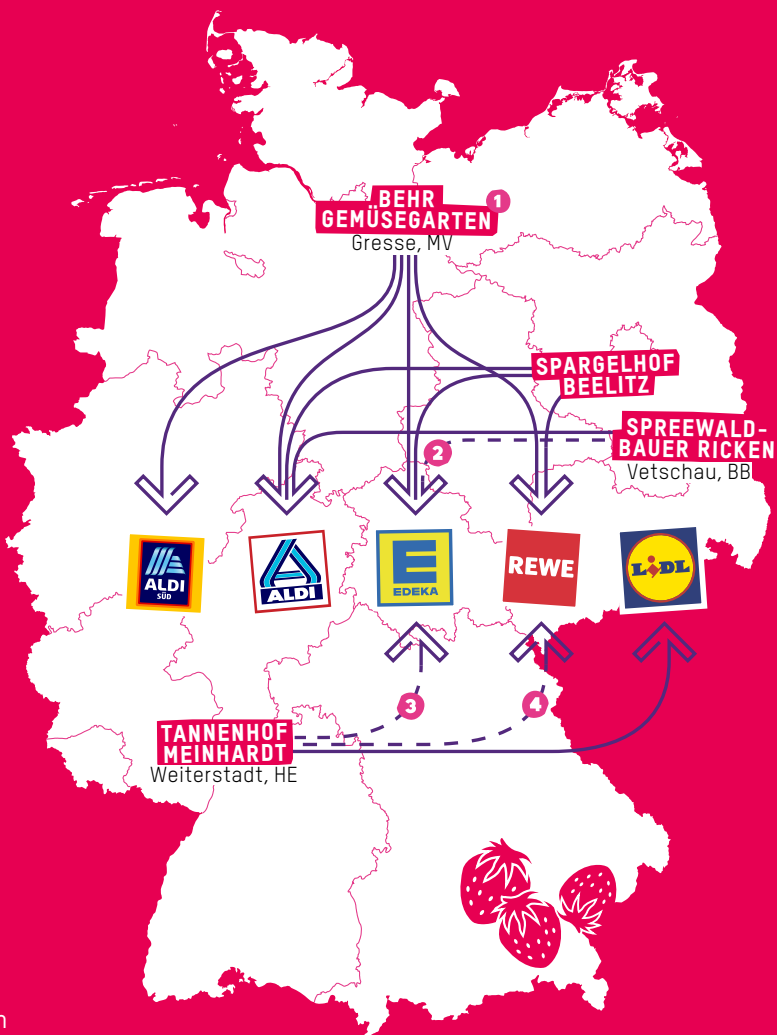
### LOW WAGES AND NON-TRANSPARENT PAYMENT SCHEMES

*“We just talked over the telephone with the labor broker. She told us we would get twelve Euro an hour and that nothing would be deducted. That was all not true.”*

Cosmin\*, worker at the Spreewaldbauer Ricken

Almost all workers that the PECO-Institut interviewed for this study cite pay as their most important consideration in deciding to work in Germany as agricultural laborers. Once here, however, they often find themselves confronted with non-transparent pay slips, excessive deductions from their wages, and payment schemes based on the amount of produce harvested (piece work) instead of the number of hours actually worked.

All seasonal workers are entitled to the minimum wage in Germany, which in October 2022 was raised to 12 Euro an hour,<sup>13</sup> and almost all those asked stated that that is what they received. Our research, however, uncovered various methods by which employers diminished this wage—even to a level below that of the statutory minimum wage.



### SUPPLIER RELATIONSHIPS WITH GERMAN SUPERMARKETS

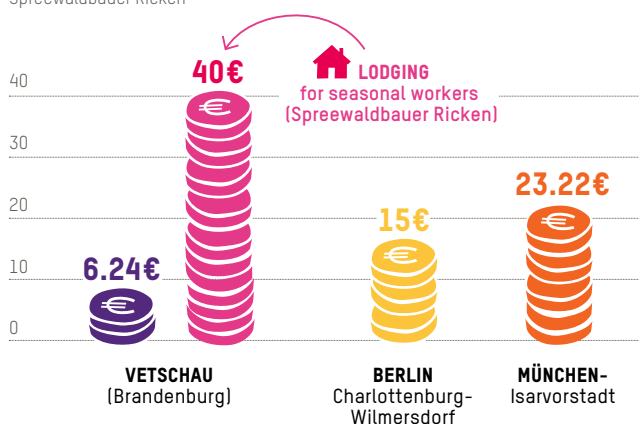
- 1 The company Behr farms various seasonal vegetables, but not asparagus or strawberries.
- 2 Spreewaldbauer Ricken was the subject of a supplier portrait on the website of Edeka Nordbayern, but Edeka deleted the relevant page after Oxfam shared its findings.<sup>28</sup> Edeka stated that Spreewaldbauer Ricken was not a “strategic partner.”
- 3 The farm Tannenhof Meinhardt is portrayed on the website of Edeka Georg as a long-term partner.<sup>29</sup> Edeka stated, however, that the farm does not constitute a “strategic partner.”
- 4 Rewe Elz, on its Facebook page, advertised with strawberries from farmer Meinhardt on 28 April 2022.

Thus, many workers are confronted with a byzantine combination of hourly wages and piece work: Workers at the two farms in Brandenburg (Beelitz and Ricken) stated that they did not understand the basis on which their wages were calculated. Their wages, they said, depended on the quality and kind of vegetable harvested, as well as on their meeting quantity expectations. Our interview partners on these farms said that the harvesting expectations were difficult if not impossible to meet.<sup>14</sup> Piece work pay, which can lie well below the statutory minimum wage, is widespread in this sector.<sup>15</sup>

Seasonal farm workers are permitted to work regularly up to 48 hours on not more than six days a week.<sup>16</sup> Anything over and above that must be compensated as overtime. Many employers, however, seek to circumvent the statutory minimum wage through incomplete documentation of the hours worked. While the majority of those interviewed stated that their working hours were correctly recorded by their employer and that they were able to verify them, others said they had no access to the records of their working hours.<sup>17</sup> As most workers receive their pay slips only when leaving at the end of the harvest season, it is not easy for them to verify the fact whether they have received the pay they are due in full (see the box “it was worth it—and it’s right what we did” on page 12).

### COMMUNAL LODGINGS ON ONE OF BRANDENBURG’S ASPARAGUS FARMS—MORE EXPENSIVE THAN AN APARTMENT IN DOWNTOWN MUNICH

Comparison of average rent, before charges, per square meter in German cities<sup>30</sup> with the price per square meter paid for a room shared by two people on the farm Spreewaldbauer Ricken<sup>31</sup>



*“Can you verify the records?—Only when you get your money. You compare the notes.”*

Claudiu\*, worker on the farm Tannenhof Meinhardt.

### POOR LODGINGS, HIGH DEDUCTIONS

Although nearly 300,000 seasonal workers come to Germany every year, they generally have little or no interaction with the resident population. Often, they are quartered close to their workplace in communal lodgings furnished by their employer. During the Corona pandemic, these lodgings for the first time received a great deal of attention, because they were unable to meet hygiene and distancing regulations. In certain places, as many as four people lived in containers measuring six square meters.<sup>18</sup>

Another problem is the grossly excessive pay deductions for small and minimally furnished lodgings. Workers at all the farms examined in this study reported excessive deductions: They paid between 225 and 420 Euro a month—for rooms they had to share in pairs or with up to four or six per room.

When calculated on the basis of price per square meter, the workers’ rents lie in many cases far above the average rent for apartments in Germany’s largest cities (see Part 5) and far above the maximum amount that can qualify as wages received in kind for workplace housing under Germany’s social security statute.<sup>19</sup> For a single-occupancy room, this ceiling is 8.03 Euro per day (241 Euro per month). Where two people share a room, the ceiling is reduced to 4.82 Euro (144.60 Euro), and in the case of three persons per room, it is 4.01 Euro per day (120.50 Euro per month).<sup>20</sup>

The exorbitant rent charged for workers’ lodgings is collected either by the farm enterprise itself or by a third party. By deducting it directly from the workers’ pay, wages are effectively reduced to a level below the minimum wage.<sup>21</sup>

## HARD WORK, INADEQUATE INSURANCE

Work in the fields is hard: Whether the weather is windy, rainy or hot, the workers harvest with bent backs up to twelve hours a day. Such work has its effect on the workers' health. And yet they often have no comprehensive health insurance.

A large proportion of the seasonal workers are employed under short-term contracts. This means employers assume that their employees have adequate health insurance in their countries of origin—but this is frequently not the case. For their employment status is determined exclusively by the statements made by workers themselves. No one reviews whether or not those statements are accurate.<sup>22</sup> As a result, many seasonal workers have no social security coverage. The advantage for farm owners is obvious: They are exempted from making employer contributions to the pension,

unemployment, and health insurance schemes in Germany. Workers, too, thus receive a higher net pay—which makes it easier for the farming enterprises to find field hands.

Instead, the farms, for instance the vegetable producer Behr, sign contracts for a private group-insurance policy, which often provides workers with a much more restricted spectrum of benefits than would be provided by the public health insurance policies and which cover neither follow-up treatment in the workers' countries of origin nor prophylactic check-ups. Often, the workers don't even know how much insurance coverage they have, or whether they have it at all. So, they are bound to turn to their employer in the first instance when they fall sick: *"First of all, I tell my boss and then I wait and see if he takes me to the hospital or not"* —Ana\*, Worker at Tannenhof Meinhardt.

A significant number state that they are not insured at all, and are required to pay the costs of treatment in Germany out of their own pockets. We heard this especially from workers at Spreewaldbauer Ricken (see Part 5).

## TERMINATION RATHER THAN SICK PAY

Although employers are required by law to continue paying workers who fall ill, provided the employment has lasted more than four weeks, some employers entirely circumvent this duty: using termination provisions that foresee only a few days' or even just one day's notice. They here take advantage of an exception to the rules governing termination, which exempts employers from the duty to provide notice with regard to "temporary workers" employed for less than three months (§ 622 Para. 5 No. 1 BGB). Thus, employers in some cases are required neither to pay the costs of treating an ill worker nor to provide sick pay. Stefanie Albrecht, who works for CORRECT!, an advisory service for foreign workers in Mecklenburg-Vorpommern, explains what this means in practice:<sup>23</sup> *"Sick or injured workers often get put on buses back to their countries of origin."*



A man harvesting asparagus with the aid of a special tractor, which lifts the tarp covering the asparagus beds.



Another aspect of the circumvention of social security involves the fact that even persons who have performed seasonal work in Germany for many years earn no claim to a pension:

*“My uncle has worked for this company [Spreewaldbauer Ricken] for over 15 years now. Of course, it would be great, if he got some sort of a pension in Romania after all that. But he gets nothing.”*

Alexandru\*, farm worker at Spreewaldbauer Ricken.<sup>24</sup>

In the interviews conducted for this study, as well, a majority of those asked stated either that they had no health insurance or that they did not know anything about their health insurance coverage. Another group said that they had a private insurance policy, but did not understand the scope of their coverage. Only five of those questioned said their employers provided them with social and health insurance.

## THE ROLE OF LABOR BROKERS

In order to obtain a job in German agriculture, workers—for instance those from Romania or Bulgaria—often turn initially to a recruitment agency, which hires workers for one or more farms in Germany. As a rule, they pay a fee for this service. Thus, almost all those questioned at vegetable farm Behr said that they had paid a recruitment fee of 50 or 100 Euro. Such fees, however, are illegal in the context of marginal employment.<sup>25</sup> In addition, most workers must pay the costs of their own transportation, by bus or by airplane. A number of supermarkets have, to minimize their risk of being involved in conditions characterized as forced labor, adopted the “employer pays” principle for their suppliers.<sup>26</sup> This principle requires that all fees for recruitment—including transportation costs—be borne by the employer.<sup>27</sup>

## JUST AN EXCEPTIONAL CASE? HUMILIATION AND DISCRIMINATION

In the interviews, no evidence of gender-specific discrimination was found. It should be observed, however, that workers often do not discuss such problems openly in a first interview or in a situation in which the interviewee does not feel adequately protected. Labor law advisors, who have been in contact with seasonal workers over a long period of time, report cases in which workers are insulted or have their passports confiscated by employers.



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Strawberry harvesting at a farm in Nordrhein-Westfalen

## SUMMARY

Many of the people interviewed for this study stated that they were quite satisfied with their working conditions. The interviews also showed, however, that wage dumping, inadequate health insurance, exorbitant rents, impossible harvesting quotas, and unpredictable, non-transparent working conditions regularly occur. These conditions point to structural problems in agriculture, which render seasonal work so precarious.

# 5 “WE’RE NOT IN EUROPE HERE”

## Seasonal work at Spreewaldbauer Ricken

One farm really stands out in the description of grievances: that of Spreewaldbauer Ricken in Brandenburg. This farm has already been the subject of criticism in past years for its poor working conditions, deficient lodgings, and environmental pollution.<sup>32</sup> The workers interviewed for this study once again raised grave complaints.

### NON-TRANSPARENT PAY SLIPS, PRACTICALLY IMPOSSIBLE HARVESTING QUOTAS

While some workers stated that they were paid by the hour at the minimum wage, others, such as many of those from Georgia, complained that they were paid on a piece-work basis, involving an incomprehensible amalgam of quantity and quality:

*“Just how our pay gets calculated I do not understand; but it’s clear that our pay varies depending on the different fruits or vegetables being harvested.”*

**Badri\***, farm worker at Spreewaldbauer Ricken.

Weather conditions and the size of the harvest also play a role. Another worker, Ion\*, reported: *“We work ten to twelve hours a day. But they only write down eight.”* Only some of those interviewed said they could verify their pay slips. And the work contracts were not handed out to employees, but stored in the company’s office.

Several workers complained about unrealistic harvesting quotas. One worker said further that colleagues who fail to meet the quotas just once are punished by being laid off for a day, so that they earn nothing but still have to pay rent.

### ONE PORT-A-PODDY FOR 50 PEOPLE—EDEKA CALLS IT “LIKE IN A HOTEL”

The low pay is squeezed even lower by the exorbitant rent charged for employer-operated lodgings. The workers are quartered two by two in barracks. They have no access to a kitchen, so all cooking has to be done in or in front of the barracks on portable hot plates, which they either have to bring themselves or purchase from the company. The sanitary conditions, too, leave much to be desired: *“Here we have this little port-a-poddy. 50 people share a single one.”*<sup>33</sup> For washing up and showering, there are containers. *“We come back from the fields and want to take a shower, but there’s a long line, because there are too few showers. And the water is usually cold.”* The standards of hygiene probably violate workplace regulations.<sup>34</sup> The lodgings are noticeably moldy. As Adrian\*, one of the interviewees, summed things up: *“We’re not in Europe here.”*

➡ Mold on the walls of one of the lodgings (April 2023)<sup>39</sup>

➡ Lodgings at the Spreewaldbauer Ricken (June 2022)



*“In our lodgings there’s mold and the water is cold. We all have to share a room in pairs and still pay 12 Euro a day for it. This is not the way I imagined the working conditions in Germany.”*

**Christian Moldovan**, farm worker  
at Spreewaldbauer Ricken.

Edeka’s website also presented the Ricken farm. In stark contrast to the perspectives offered by workers, however, the website spoke of a company with profoundly social values, which *“really seems to know every one of its farm workers by name”* and *“wouldn’t be worth a thing without its people.”* And: *“The lodgings for seasonal workers are like in a hotel: Everything has either been freshly renovated or is in excellent condition.”*<sup>35</sup> Oxfam confronted Edeka with the conditions found on the farm, and Edeka deleted the web page on asparagus grower Ricken (see Part 7).

If you calculate the price per square meter deducted as rent from the pay of farm workers at Spreewaldbauer Ricken in Vetschau (360 Euro for 18 square meters shared with a roommate), you get 40 Euro per square meter. By comparison, the rent per square meter, before heating and charges, for an apartment in an early 20th century residential building located in Berlin-Charlottenburg cost 15 Euro in 2023. In Munich’s inner city, the price was 23 Euro, and in Vetschau, where the Spreewaldbauer Ricken farm lies, just 6.24 Euro per square meter (see the graph on page 7).<sup>36</sup>

## **“WE HAVE TO PAY EVERYTHING OURSELVES”—INADEQUATE HEALTH INSURANCE**

Particularly problematic is the farm’s way of dealing with illness. Almost all of those interviewed stated either that they had no health insurance or that they did not know the extent of their coverage. In the event of illness, there is no sick pay. *“When someone gets sick, he doesn’t work and doesn’t get paid, either. The costs of your treatment are*



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Christian Moldovan comes from Romania and worked at Spreewaldbauer Ricken in Vetschau in spring 2023.

*initially paid for by the company, then deducted from your pay.”* Another worker reported: *“We have to pay for everything ourselves. Even when the ambulance comes, we have to pay 400 or 500 Euro out of our own pockets.”* Alexandru\*, a Romanian worker who we met in Vetschau, had an accident on the job with a harvesting machine. His arm was in a cast. He complained that he received only makeshift treatment at the hospital in Cottbus. A short time later, we reached him back in Romania.<sup>37</sup>

In spring 2023, the authors of this study received a call from a group of indignant workers from Romania. They had been asked, instead of working in the fields, to scour—without protective gloves—a nearby piece of woods for presumably infectious boar bones in consequence of the outbreak of African swine fever. When the group, dissatisfied with their working conditions, decided to terminate and return home, a disagreement arose relative to their wages earned. This disagreement was resolved only shortly before the departure of their bus for Romania when an advisor from the Initiative Faire Landarbeit examined the files. In the preliminary discussions, farm-owner Ricken showed himself open to this procedure. All workers were able to examine the records of their working hours and were then asked to sign them. The group from Romania confirmed this, but pointed out that the records in many cases had been inaccurate.<sup>38</sup>

# “IT WAS WORTH IT —AND IT’S RIGHT WHAT WE DID”

## Georgian seasonal workers defend their rights

The case of 18 Georgians shows how difficult it is for migrant seasonal workers to obtain compensation after a violation of their rights. Time and again, employers complain that it is getting more and more difficult to find seasonal workers for the hard field work in agriculture. In this context, Germany and Georgia signed a recruitment accord, which makes it possible for up to 5,000 Georgians to find seasonal work in Germany.<sup>40</sup> Up to now, many fewer than that have come. And this is at least in part the result of a case involving Jemal Tschatschanidze and his colleagues. In May 2021, they began work at the strawberry farm of Walter Klink on the Lake of Constance. Tschatschanidze and his colleagues soon realized that the reality of their working conditions did not correspond to what they had been promised: The lodgings were miserable and the pay was far below the statutory minimum wage. Tschatschanidze documented the irregularities and published them online, which led the local authorities to investigate the lodgings and officially catalogue the violations.<sup>41</sup> An outcry from the media followed—both in Germany<sup>42</sup> and in Georgia<sup>43</sup>—even the German embassy in Tiflis reacted, officially expressing its regret over the labor law violations.<sup>44</sup> But that was not the end of the story. In all, 18 workers joined the union of IG



© picture alliance/dpa | Felix Kästle

The Georgian seasonal worker and witness Levani Idadze (M) talks, prior to the trial, with the company pastor Werner Langenbacher and Margarete Brugger from the advisory service mira Karlsruhe.

BAU and sued their former employer for loss of earnings, since their employment contract foresaw regular weekly working hours, which were not granted to them. In May 2022, the workers won their case in the Labor Law Court of Ravensburg.<sup>45</sup> But the farm owner appealed the decision and the case was ultimately settled out of court, with the workers receiving 400 to 600 Euro per person.<sup>46</sup> Their complaint had foreseen a wage supplement of between 1,399 and 2,434 Euro per person, depending on the number of hours actually worked. The court of first instance, in its judgment from May 2022, had awarded the workers an average of around 1,000 Euro.<sup>47</sup>

The Labor Court of Appeals in Stuttgart had requested detailed documentation of the hours worked. Normally, such records are the responsibility of the employer. While the workers could have brought forth evidence in the form of live witness statements, many of the plaintiffs had already left Germany at that point in time and so would

have needed to fly in specially to give their testimony. As a result, the costs to be borne by plaintiffs out of pocket in the event they lost on appeal would have been very high.<sup>48</sup> This example shows how difficult it is for seasonal workers to enforce their rights in court. Levani Idadze, one of the plaintiffs, nevertheless saw the outcome as positive: *“We got in any event more than our employers wanted to give us. It was worth it—and it’s right what we did.”*<sup>49</sup>

In order to ensure there is better documentation for similar cases in the future, we urgently need a mandatory regulation on manipulation-proof recording of hours worked. A decision of Germany’s supreme Federal Labor Court in fall 2022 confirmed that the federal legislature must require employers to record the working hours of their employees.<sup>50</sup> The German Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales) is currently drafting a bill to address this problem.

# LABOR LAW VIOLATIONS IN FOOD SUPPLY CHAINS: IN GERMANY, EUROPE, AND WORLDWIDE

Labor law and human rights violations in the global food supply chains serving supermarkets are commonplace. Selected examples show that this is true not only for bananas from Ecuador,<sup>51</sup> wine from South Africa,<sup>52</sup> or pineapples from Costa Rica,<sup>53</sup> but also right here in Europe. In most cases, it is migrant workers, many of them refugees without a residency permit, who work in the fields.

## STRAWBERRIES FROM GREAT BRITAIN



Field workers from Nepal, Kazakhstan, and South Africa report that they refrain from going to the toilet out of fear they will fail to meet their harvesting quotas; that they have been yelled at or punished for carrying portable telephones in their pockets, or talking to their colleagues while working the fields: "They treat you like an animal." The strawberries these workers pick are sold in supermarkets such as Tesco, Coop, and Lidl.<sup>55</sup>

## RASPBERRIES FROM PORTUGAL



Workers from Nepal and India pick raspberries in the Portuguese region of Odemira. Many of them report that they are highly indebted, because they had to pay smugglers to get them to Portugal. There are reports of miserable working conditions and pay below the statutory minimum wage.<sup>58</sup>

## STRAWBERRIES FROM ANDALUSIA



In the region of Huelva in southern Spain, it is primarily Moroccan women who harvest the strawberries sold, among other places, in German supermarkets. They report suffering from sexual harassment and even rape at the hands of their foremen.<sup>61</sup>

## GREENHOUSE VEGETABLES FROM ANDALUSIA



In the "sea of plastic" in Almería, exploitative working conditions are par for the course. At one producer of organic tomatoes that supplies Edeka, Rewe, and Lidl, grave violations of labor law were documented once again this year. The violations include unpaid overtime and the failure to provide protective clothing.<sup>62</sup>

## BLUEBERRIES FROM SWEDEN



Long work days, low pay, and miserable lodgings are just a few examples of the harsh working and living conditions experienced by the workers, most of them from Thailand, who gather blueberries in the woods of Sweden. Many of them have indebted themselves in order to obtain the work and get to Sweden. This debt bondage is an indicator of forced labor, as it means the workers are no longer in a position to decide freely whether or not they quit their job.<sup>54</sup>

## VEGETABLES AND BERRIES FROM THE NETHERLANDS



In the Netherlands, as well, we hear reports of outrageous deductions for lodgings or other unjustifiable pretexts, such as using the wrong detergent in a laundry facility provided by the employer. In 2019, a labor broker was convicted of circumventing income tax and social security contributions by employing Polish seasonal workers via a fictitious foreign company.<sup>59</sup>

## VEGETABLES FROM AUSTRIA



Romanian field workers were employed in Austrian orchards without a contract for less than the minimum wage and housed in miserable lodgings. On top of that, recruitment agencies kept a part of their earnings.<sup>56</sup>

## VEGETABLES FROM ITALY



In Italy in 2020, Joban Singh, an Indian national, committed suicide while working at a vegetable producer that supplied, among others, Aldi Nord. In order to obtain the job in Italy, he had assumed large debts, but the wages in Italy were too low for him to repay them.<sup>60</sup>

## MEAT FROM ROMANIA



The gaps left in the Romanian labor market by workers who migrate west for better pay are increasingly being filled by a workforce recruited from Asia. Here, too, there are reports of excessive fees paid to labor brokers, indebtedness, and poor working conditions.<sup>57</sup>

## STRAWBERRIES FROM GREECE



In the Greek region of Manolada, it is primarily workers from Bangladesh who harvest the strawberries destined for German supermarkets.<sup>63</sup> Frequently, they have no papers and work for extremely low pay.<sup>64</sup>

## 6 “IT’S NOT ‘WE LOVE FOOD’—IT’S ‘WE LOVE FAT MARGINS’”

What are the consequences of price squeezing by retailers on farm working conditions?

For several years now, Oxfam has been criticizing the unfair trading practices of the four big supermarket chains Aldi, Rewe, Lidl, and Edeka.<sup>65</sup> Talking with experts on the sector, it becomes clear that the supermarkets use their market power to exert enormous price pressure on fruit and vegetable growers:

*“The price pressures exerted by food retailers—in a context where our operating costs have just exploded on all sides—are at the point where they threaten the very existence of us fruit and vegetable farmers!”*

*“The food retailers, those are the criminals, so to speak.”*

*“There are no negotiations. The supermarkets set the price.”*

As numerous interview partners unanimously report, producers are rarely able to negotiate the price of their produce: *“A buyer said to me: I need so and so many strawberries for this price—if you can’t deliver, I’ll go elsewhere. One of you will deliver.”* According to reports, the purchasers employed by the supermarkets know very well that the prices they offer often lie below production costs. According to one farmer: *“Statement by one of the purchasers for Rewe: As Rewe, what do I care about your production costs?”<sup>66</sup>*

### PRICE DICTATORSHIP OF THE SUPERMARKET CHAINS

*“The retailers dictate our prices.”*

The marketing of labor-intensive, special produce, such as strawberries and asparagus, is carried out primarily by large producers’ cooperatives, often representing several thousand hectares of farmland. In these cooperatives, individual producers join forces to create at least a little leverage in negotiation to counter the enormous market power of the supermarkets. But even with the cooperatives, sales are generally made on a day to day basis without any negotiation over price. The supermarkets often place their orders not before noon on the day before delivery, specifying a given quantity, which the producers must harvest accordingly in the course of that afternoon. They often learn what price they will receive only when the produce is sold.<sup>67</sup>

Spreewaldbauer Ricken likewise reports that the supermarkets dictate prices.<sup>68</sup>

Experts on the sector explain that, precisely among strawberry growers, several mostly smaller farms have exited the market with food retailers over the past few years as a result of the enormous price pressures.



Strawberry field covered with tarps in Vetschau, Brandenburg.

© Andreas Weiland

## UNFAIR TRADING PRACTICES

*“The customer is king—so we have to take our produce back.”*

In addition, there are reports of unfair trading practices on the part of the supermarkets. Many of our interview partners tell of unjustified breach-of-contract claims with grave consequences for them. One said, for example, that strawberries delivered several days earlier were returned to him on grounds of alleged quality defects. The producer could only assume that the supermarket returned the strawberries because it sold less than it had hoped. But when strawberries re-appear at the farm like that a few days after delivery, the farmer can do nothing but throw them to the compost.<sup>69</sup> Oxfam in 2016 already reported on similar practices affecting mango producers.<sup>70</sup>

In a questionnaire addressed to heads of contract negotiations from the food industry, 96 percent replied that food retailers dictated their demands and paid no heed to even well substantiated objections. Eighty percent reported that they had been threatened by food retailers.<sup>71</sup> In addition, nearly 87 percent thought that increased costs of production could not be fully recuperated from trade.<sup>72</sup> According to the study, producers in the fresh produce sector are especially impacted by such unfair trading practices: Practically all suppliers (92 percent) reported that buyers had compelled them to accept unilateral changes in contractual or supply terms.<sup>73</sup> In the price war, especially with regard to strawberries, a decisive factor has been the supermarkets’ strategy of increased reliance on foreign produce (see the map of labor rights violations in food supply chains on page 13). Just in 2022, farming cooperatives voiced numerous complaints about strawberries from Spain, Greece, or Morocco being offered—often at significantly lower prices—even during the high season for strawberries in Germany.<sup>74</sup>

## WHAT ARE THE CONSEQUENCES OF THESE PURCHASING PRACTICES?

Price squeezing by the supermarkets has, as one consequence, that many smaller farms are compelled to go out of business: In Germany, the number of farms has sunk from ca. 650,000 in 1990 to ca. 267,000 today. And the trend is expected to continue. According to current estimates, only 100,000 farms will be left in 2040.<sup>75</sup>

Another consequence appears in a study conducted by the minimum wage commission (*Mindestlohnkommission*) of the German federal government. Here, representatives of the agricultural sector stated that they would be unable to pass on their increased costs of production to buyers.<sup>76</sup> To compensate for the higher costs in a different way, they said they would have to pressure field workers to increase their productivity.<sup>77</sup> And this will lead, among other things, to more frequent firing of seasonal workers unable to meet the higher harvesting quotas.<sup>78</sup>

It is all too often workers who pay the price for the power games played by supermarkets. Workers harvesting asparagus on the Ricken farm report that their pay depends, among other things, on the quality of the produce they pick—on which they generally have no influence. Here, too, those with greater economic leverage are attempting to saddle workers with the financial risks of doing business.

Owing to the enormous price pressures and their dependence on the supermarkets as buyers, many farmers find themselves in a dilemma. One interview partner put it plainly: “Anyone who works fair and clean will have a hard time keeping up with the international competition.”



### CAN THE SUPPLY CHAIN ACT DO ANYTHING TO CORRECT THE DOCUMENTED ABUSES?

Since 1 January 2023, the supermarkets are obligated to comply with the new Supply Chain Due Diligence Act (*Lieferkettensorgfaltspflichtengesetz*, LkSG). This law is intended to prevent labor law and human rights violations occurring in the supply chains of big corporations. In the present study, there are indications that workers have been cheated of the fair pay required under the Act (§2 Para.2 No.8 LkSG)—for instance, by deducting from their pay exorbitant rent for lodgings. The statements made by experts on the sector and by Germany’s Minimum Wage Commission indicate further that price squeezing by the supermarkets has a negative impact on the working conditions of seasonal workers. The Supply Chain Act

addresses this situation, too: It stipulates that companies must develop appropriate sourcing strategies and purchasing practices (§6 Para. 3 No.2 LkSG). In the rationale for the legislation, this duty is spelled out more fully: *“The setting of ... purchase prices ... can have a determining influence on whether a human rights risk affecting a supplier is avoided or possibly even aggravated. For this reason, the development and implementation of sourcing strategies and purchasing practices in harmony with a company’s statement of principles and the human rights strategy contained therein is of especial significance.”* In a nutshell: For supermarkets to meet the requirements of the Act, they must adapt their policies so that violations of law are avoided—and this includes paying higher prices for produce.

As many as 300,000 seasonal workers are employed during the harvest season in Germany.<sup>79</sup>



## 7 HOW DO PRODUCERS AND SUPERMARKETS REACT TO THESE ALLEGATIONS?

**Edeka** denied the allegations of price squeezing and told Oxfam that it placed value on long-term cooperation with its suppliers. Moreover, it claimed that it conducted weekly discussions with its fruit and vegetable suppliers, in which purchase prices and quantities were negotiated. In reaction to Oxfam Deutschland's questions about the asparagus grower Ricken, Edeka deleted the page featuring Ricken on its website and claimed that Ricken did not constitute a "*strategic partner*."

**Aldi Nord** and **Aldi Süd** replied to Oxfam by saying that they would investigate the abuses described. The two companies claimed to work with producers in a spirit of cooperation and to place value on long-term relationships. They also claimed to comply strictly with all provisions of law when returning produce already delivered. Both companies referred us to their bidding procedures, which foresee that suppliers should submit an offer "*to be calculated exclusively and without our influence by the bidding supplier.*"<sup>80</sup> While this sounds reasonable in theory, one of the farmers consulted in this study commented: Once the produce is ripe in the field, I don't have any choice but to bid at a price below my production costs—it's the only way I can be sure to cover at least a part of my outlays.

Like Edeka, the vegetable producer Behr confirmed that they conducted weekly discussions on quantities and prices. Weekly prices, Behr said, were determined on the basis of a "*relationship of mutual trust*" with the supermarkets.

**Rewe** emphasized that it would take the allegations seriously and investigate them within the framework of its complaints procedure. The Rewe Group's guidelines and code of conduct were, it said, known to all its suppliers, and compliance therewith was reviewed on site on an ongoing basis.

**Lidl** claimed that it purchased produce only from Tannenhof Meinhardt, not from the other three farms we reported on. It said they had investigated our allegations pertaining to Tannenhof Meinhardt and have been unable to confirm them. According to Lidl's investigation, the farm keeps a record of working hours, which can be inspected and must be countersigned by its employees; it provides a private insurance policy for its temporary employees; and it puts a driver and translator at their disposition in the event of illness. Lidl

moreover referred to its complaint procedures, its code of conduct, and its policy statement on sourcing and human rights.

All supermarkets refer, in addition, to the certification of its suppliers by the GRASP module of GlobalG.A.P. on compliance with social standards. The value of this certification has recently been called into question, because it involves no critical civil-society organizations and because abuses, time and again, have been discovered in certified producers.<sup>81</sup>

The **vegetable farm Behr** furnished a detailed statement and invited us to visit the farm. The company confirmed that its employees' working hours varied, depending on the demand for vegetables and on the amount of work correspondingly required. The company provides all temporary employees, they claimed, with health insurance, and also provides sick pay. They stated that the pay deductions for lodgings amounted to 7.50 Euro per person per night for a double-occupancy room. They conceded that this figure lay above the maximum amount that can qualify as wages received in kind for workplace housing under Germany's social security statute—but argued that the level of rent was appropriate in light of the quality of the lodgings. Behr disclosed to Oxfam the name of the recruiting agency it used for seasonal workers and confirmed that workers paid a recruitment fee.

**Spreewaldbauer Ricken**, in a telephone conversation, contested the allegations against its operation. According to him, only 20–30 percent of its staff were temporary employees, and all of its employees, without exception, had health insurance. Workers were not required to sleep in the lodgings provided by the company, but could if they wished rent a private room in the vicinity. At the same time, Mr. Ricken confirmed the amount of the pay deductions for the company lodgings, while insisting that the conditions were good: every person had his or her own room, measuring 16 square meters. There were one toilet and one shower for every five persons. He defended the principle of coupling workers' pay to harvesting quotas, but denied that anyone earned less than the minimum wage. Further, the company complied with the provisions on sick pay in the event of illness.

The company Thiermann, which operates the Spargelhof Beelitz, was when asked unwilling to make any statement.

# OXFAM DEMANDS:

## THE GERMAN GOVERNMENT

must ensure that the **LABOR STANDARDS AND HUMAN RIGHTS OF SEASONAL WORKERS** are protected, and in particular that:

- ▶ Seasonal workers in agriculture should generally be employed under contracts subject to **MANDATORY SOCIAL SECURITY** contributions. The model of temporary employment should be deemed inapplicable to them.
- ▶ a **PUBLIC HEALTH INSURANCE PLAN INVOLVING COMPREHENSIVE COVERAGE** for them should be required starting with the first day of work.
- ▶ the **OVERSIGHT** of lodging conditions, minimum wage, worker protection, and insurance cease to be carried out in isolation by various federal agencies. Rather, these authorities should be bundled in the responsibility of one well-appointed workplace inspection agency, which has, among other things, the power to order individual compensation for aggrieved workers. The scope of oversight should be expanded.
- ▶ the **ADVISORY SERVICES** available to seasonal workers should be expanded.
- ▶ the law should obligate employers, at their own cost, to provide their workers with **APPROPRIATE LODGINGS**, or failing that at least impose a rent ceiling defined at the level of the maximum amount of in-kind wages allowable under the social security statute for communal housing provided by an employer.
- ▶ the law should stipulate effective standards requiring businesses to **RECORD** their employees' **WORKING HOURS** in a fashion that is manipulation-proof, digital, and accessible for inspection by their workers.
- ▶ it should work to arrest the increased **MARKET CONCENTRATION IN THE RETAIL FOOD SECTOR** evident over the past several decades, prohibit any further mergers, and anchor in antitrust law an effective instrument—one that does not require a showing of abuse—for the unbundling of outsized business concerns.
- ▶ it should incorporate into the Agricultural Organization and Supply Chain Act (AgrarOLkG) a **PROHIBITION ON PURCHASING AT A PRICE BELOW PRODUCTION COSTS**, such as has already been successfully applied in France and Spain, and expand the list of unfair trading practices to include a general clause.
- ▶ it should create a **PRICE OBSERVATION AGENCY**, which establishes reference values for minimum producer prices, in order to ensure that producers can operate in compliance with labor standards and still cover their costs.
- ▶ it should ensure that the payment of **AGRICULTURAL SUBSIDIES** is coupled to labor law compliance, so that the condition of respect for social standards in the EU's common agricultural policy (CAP) can be enforced with effective sanctions. To ensure an effective solution is reached, unions must be involved in drafting the criteria for assessing compliance with social standards.
- ▶ it should impose an **EXCESS PROFIT TAX** not only on windfall profits in the oil and energy sectors, but also in the sectors of agriculture, food processing, and the trade in food.



The poor working conditions in seasonal labor are the expression of an unjust food system, which places the profits of big businesses above the protection of human rights, the environment, and consumers. Changes must be made on various levels and with the agency of various actors:

## THE EUROPEAN UNION

must adopt an **EFFECTIVE EU CORPORATE SUSTAINABILITY DUE DILIGENCE DIRECTIVE** (EU-CSDDD):

- ▶ that provides persons impacted by exploitation in supply chains in the EU and worldwide with **ACCESS TO LEGAL PROTECTION**, including legal remedies for obtaining compensation of damages, with alleviated burdens of proof for plaintiffs.
- ▶ that requires companies to adapt their **SOURCING AND PURCHASING POLICIES**, so as to improve the conditions for fair wages and decent working conditions.
- ▶ that demands the payment of **LIVING WAGES**, starting with the base of the supply chain.



Strawberry field in Nordrhein-Westfalen in June 2022

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## THE SUPERMARKETS

must meet their human rights due diligence obligations under the Supply Chain Act. In the context of this study, this means in particular that they must:

- ▶ take effective measures to avoid and remediate any violations of labor standards and human rights by their suppliers.
- ▶ pay **HIGHER PRICES TO FOOD GROWERS**, instead of dictating prices and conditions to producers.
- ▶ create **TRANSPARENCY** in their supplier relationships, by regularly publishing a list of current suppliers.
- ▶ make compliance with **COLLECTIVE AGREEMENTS ON TARIFFS** a pre-condition to doing business with agricultural growing enterprises, food processing enterprises, and traders in their supply chains.
- ▶ contribute to a more just food system, by strengthening **REGIONAL, ORGANIC FOOD PRODUCTION BY FARMER-OWNED OPERATIONS**, instead of relying increasingly on industrialized agriculture.

## ENDNOTES

- 1 Hemmerling/Pascher 2021. Situationsbericht 2021/22. Trends und Fakten zur Landwirtschaft, Berlin: Deutscher Bauernverband e.V. online: [www.bauernverband.de/fileadmin/berichte/2021/index.html](http://www.bauernverband.de/fileadmin/berichte/2021/index.html)
  - 2 [igbau.de/Binaries/Binary18586/InitiativeFaireLandarbeit-Saisonbericht2022-A4-web.pdf](http://igbau.de/Binaries/Binary18586/InitiativeFaireLandarbeit-Saisonbericht2022-A4-web.pdf)
  - 3 FAO, IFAD, UNICEF, WFP, WHO (2022): The State of Food Security and Nutrition in the World 2022. Repurposing food and agricultural policies to make healthy diets more affordable.
  - 4 [oxfamilibrary.openrepository.com/bitstream/handle/10546/620596/dp-living-income-smallscale-farmers-151118-en.pdf](http://oxfamilibrary.openrepository.com/bitstream/handle/10546/620596/dp-living-income-smallscale-farmers-151118-en.pdf); [www.fao.org/3/i5251e/i5251e.pdf](http://www.fao.org/3/i5251e/i5251e.pdf); [fragdenstaat.de/blog/2022/12/01/agrarsubventionen-die-grossen-profitieren-die-kleinen-sterben](http://fragdenstaat.de/blog/2022/12/01/agrarsubventionen-die-grossen-profitieren-die-kleinen-sterben)
  - 5 See also Oxfam's Study "No limits to Exploitation" (2022) on the plight of migrant workers in South Africa and Costa Rica: [www.oxfam.de/system/files/documents/2022\\_oxfam\\_no\\_limits\\_to\\_exploitation\\_en.pdf](http://www.oxfam.de/system/files/documents/2022_oxfam_no_limits_to_exploitation_en.pdf)
  - 6 [www.oxfam.de/system/files/documents/oxfam\\_factsheet\\_davos-2023\\_umsteuern.pdf](http://www.oxfam.de/system/files/documents/oxfam_factsheet_davos-2023_umsteuern.pdf)
  - 7 [www.oxfam.de/system/files/documents/oxfam\\_media\\_brief\\_-\\_en\\_profiting\\_from\\_pain\\_davos\\_2022\\_part\\_2\\_1.pdf](http://www.oxfam.de/system/files/documents/oxfam_media_brief_-_en_profiting_from_pain_davos_2022_part_2_1.pdf)
  - 8 [www.handelsblatt.com/unternehmen/ranking-2023-das-sind-die-zehn-reichsten-deutschen/25730214.html](http://www.handelsblatt.com/unternehmen/ranking-2023-das-sind-die-zehn-reichsten-deutschen/25730214.html)
  - 9 [www.bundeskartellamt.de/Sektoruntersuchung\\_LEH.pdf](http://www.bundeskartellamt.de/Sektoruntersuchung_LEH.pdf), [www.bundeskartellamt.de/SharedDocs/Meldung/DE/Pressemitteilungen/2021/17\\_03\\_2021\\_EDEKA\\_Real.html](http://www.bundeskartellamt.de/SharedDocs/Meldung/DE/Pressemitteilungen/2021/17_03_2021_EDEKA_Real.html), [www.bundeskartellamt.de/SharedDocs/Publikation/DE/Jahresbericht/Jahresbericht\\_2021\\_22.pdf](http://www.bundeskartellamt.de/SharedDocs/Publikation/DE/Jahresbericht/Jahresbericht_2021_22.pdf)
  - 10 See, e.g.: [www.oxfam.de/ueber-uns/publikationen/grenzenlose-ausbeutung-arbeitsmigrantinnen-lieferketten-deutscher](http://www.oxfam.de/ueber-uns/publikationen/grenzenlose-ausbeutung-arbeitsmigrantinnen-lieferketten-deutscher); [www.oxfam.de/ueber-uns/publikationen/bericht-pandemie-profiteure-und-virus-verliererinnen](http://www.oxfam.de/ueber-uns/publikationen/bericht-pandemie-profiteure-und-virus-verliererinnen); [www.oxfam.de/ueber-uns/publikationen/schwarzer-tee-weisse-weste](http://www.oxfam.de/ueber-uns/publikationen/schwarzer-tee-weisse-weste); [lebasic.com/wp-content/uploads/2016/06/MFF\\_SuesseFruechte-BittereWahrheit.pdf](http://lebasic.com/wp-content/uploads/2016/06/MFF_SuesseFruechte-BittereWahrheit.pdf)
  - 11 [www.peco-ev.de/allgemein/am-unterende-der-lieferkette-arbeitsbedingungen-von-saisonbeschaeftigten-in-zulieferketten-von-supermaerkten-2](http://www.peco-ev.de/allgemein/am-unterende-der-lieferkette-arbeitsbedingungen-von-saisonbeschaeftigten-in-zulieferketten-von-supermaerkten-2)
  - 12 Oxfam Deutschland possesses a copy of the report in which names are not suppressed.
  - 13 [www.dgb.de/schwerpunkt/mindestlohn](http://www.dgb.de/schwerpunkt/mindestlohn)
  - 14 Those we interviewed at Behr AG and Tannenhof Meinhardt reported that they were paid by the hour.
  - 15 [igbau.de/Binaries/Binary18625/InitiativeFaireLandarbeit-Saisonbericht2022-A4-web.pdf](http://igbau.de/Binaries/Binary18625/InitiativeFaireLandarbeit-Saisonbericht2022-A4-web.pdf), p. 26.
  - 16 Some farms obtain a special dispensation so that they can have their employees work up to twelve hours a day. The vegetable producer Behr disclosed working schedules of up to 60 hours a week.
  - 17 Those we interviewed at Behr AG and Spargelhof Beelitz stated that they had access to the record of their hours and that those records were correct. At Tannenhof Meinhardt and Spreewaldbauer Ricken, we obtained conflicting statements: some employees said they could review the record of their working hours, others said they could not.
  - 18 [igbau.de/Binaries/Binary15315/InitiativeFaireLandarbeit-Bericht2020.pdf](http://igbau.de/Binaries/Binary15315/InitiativeFaireLandarbeit-Bericht2020.pdf)
  - 19 These ceilings do not constitute a mandatory ceiling on rents, but define rather the maximum sums which workers, when they are housed by their employers, can claim as wages received in kind for the purpose of calculating entitlements under the social security system (§2(3) Sozialversicherungsentgeltverordnung). Rent levels are regulated under the landlord-tenant law, which foresees a ceiling defined as a maximum deviation from the average rent paid in a certain market segment. Many rural communities, however, do not promulgate any such index of average rents. A tenant or lawyer would then need to define a new segment pertaining to lodgings as minimally furnished as those at issue here.
- The statutory ceiling for in-kind wages received in the form of employee lodgings nevertheless provides a reasonable standard of orientation for quantifying the excessive rents paid by seasonal workers. A fixed ceiling on the rent charged for lodgings is one of the demands made by this study.
- 20 Maximum allowable wages in kind for housing provided by the employer as per 2022, see [www.aok.de/fk/tools/weitere-inhalte/beitraege-und-rechengroessen-der-sozialversicherung/sachbezugswerte/werte-2022](http://www.aok.de/fk/tools/weitere-inhalte/beitraege-und-rechengroessen-der-sozialversicherung/sachbezugswerte/werte-2022)
  - 21 When excessive charges for miserable lodgings are deducted directly from workers' pay, it is in certain cases even possible to qualify the situation as forced labor, cf. Birke, Migration und Arbeit in der Fleischindustrie, in: Bundeszentrale für politische Bildung (2021) [www.bpb.de/themen/migration-integration/kurzdosiers/migration-in-staedtischen-und-laendlichen-raeumen/325067/migration-und-arbeit-in-der-fleischindustrie/#footnote-target-3](http://www.bpb.de/themen/migration-integration/kurzdosiers/migration-in-staedtischen-und-laendlichen-raeumen/325067/migration-und-arbeit-in-der-fleischindustrie/#footnote-target-3)
  - 22 [www.freitag.de/autoren/nelli-tuegel/spargel-erdbeeren-wein-erntehelfer-arbeiten-ohne-krankenversicherung](http://www.freitag.de/autoren/nelli-tuegel/spargel-erdbeeren-wein-erntehelfer-arbeiten-ohne-krankenversicherung)
  - 23 Telephone interview with Stefanie Albrecht of CORRECT!, an advisory service subsidized by the ESF for foreign workers in Mecklenburg-Vorpommern.
  - 24 As a rule, pension claims are to be accumulated and recognized on an EU-wide basis. Under the German Social Security Code, workers must prove that they have worked at least 60 months in Germany, in a job subject to social security contributions, in order to be eligible for a pension in Germany. For many seasonal workers, this threshold is difficult to reach in practice: Assuming two months of seasonal work per year, they would have to work 20 years. Short-term employees, however, don't have any claim to pension benefits at all.
  - 25 § 296 SGB III. See also: Bundesagentur für Arbeit (2022): Fachliche Weisungen Aktivierungs- und Vermittlungsgutschein für eine Maßnahme bei einem Träger der privaten Arbeitsvermittlung (AVGS MPAV), [www.arbeitsagentur.de/datei/dok\\_ba014265.pdf](http://www.arbeitsagentur.de/datei/dok_ba014265.pdf), p. 7.
  - 26 Thus, Rewe writes in its code of conduct: "The supplier shall ensure that workers, and particularly those who are cross-border commuters or migrants, are not required to make any illegal payments or deposits to obtain their job. In the event that legal payments are due for the brokering of employment, these shall be borne by the supplier" ([www.rewe-group.com/content/uploads/2021/06/rewe-group-supplier-code-of-conduct.pdf](http://www.rewe-group.com/content/uploads/2021/06/rewe-group-supplier-code-of-conduct.pdf)).
- Aldi Nord and Aldi Süd call this the "Employer Pays"-principle: "This means that no worker should pay for a job, and all costs related to recruitment must be borne by the employer." ([www.aldi-nord.de/content/dam/aldi/germany/corporate/verantwortung/AN\\_Forced\\_Labour\\_policy\\_EN\\_final.pdf](http://www.aldi-nord.de/content/dam/aldi/germany/corporate/verantwortung/AN_Forced_Labour_policy_EN_final.pdf); [cr.aldisouthgroup.com/en/downloads/international-policy-forced-labour](http://cr.aldisouthgroup.com/en/downloads/international-policy-forced-labour)).

Lidl, in its human rights policy, recognizes the validity of the Dhaka Principles, which ban any recruitment fees to be paid by the employee: [unternehmen.lidl.de/pdf/show/49173](https://www.lidl.de/pdf/show/49173)

27 [www.ihrb.org/pdf/reports/IHRB\\_Briefing\\_Recruitment\\_Fees-May-2016.pdf](http://www.ihrb.org/pdf/reports/IHRB_Briefing_Recruitment_Fees-May-2016.pdf)

28 The website, as it appeared prior to being changed at the beginning of April, can still be downloaded over this link: [web.archive.org/web/20221205151340/https://www.edeka.de/nordbayern/unsere-region/regionale-lieferanten/brandenburg/spreewaldbauer-ricken.jsp](http://web.archive.org/web/20221205151340/https://www.edeka.de/nordbayern/unsere-region/regionale-lieferanten/brandenburg/spreewaldbauer-ricken.jsp)

29 [edeka-georg.blog/spargel](https://edeka-georg.blog/spargel)

30 [www.wohnpreis.de/mietspiegel/vetschau-spreewald](http://www.wohnpreis.de/mietspiegel/vetschau-spreewald), [www.wohnpreis.de/mietspiegel/berlin-charlottenburg-wilmersdorf](http://www.wohnpreis.de/mietspiegel/berlin-charlottenburg-wilmersdorf), [www.wohnpreis.de/mietspiegel/muenchen-ludwigsvorstadt-isarvorstadt](http://www.wohnpreis.de/mietspiegel/muenchen-ludwigsvorstadt-isarvorstadt)

31 The farm-owner, Mr. Ricken, emphasized that the rent amounts to 12 Euro per day, including heating and charges. Workers, however, complained that there was often no warm water for showers, and also that not all rooms were furnished with radiators.

With respect to the occupancy of rooms, Ricken stated that each employee was given a room of her own, or his own; that only couples shared a room. Upon inspection, however, there were rooms occupied by as many as four persons.

32 [www.lr-online.de/lausitz/luebbenau/streit-um-plastikfolien-spreewaldbauer-ricken-vertiert-klage-gegen-zwangsgeld-62278107.html](http://www.lr-online.de/lausitz/luebbenau/streit-um-plastikfolien-spreewaldbauer-ricken-vertiert-klage-gegen-zwangsgeld-62278107.html), [www.nd-aktuell.de/artikel/1024231.die-welt-zu-gast-bei-spreewaldbauer-ricken.html](http://www.nd-aktuell.de/artikel/1024231.die-welt-zu-gast-bei-spreewaldbauer-ricken.html)

33 Spreewaldbauer Ricken stated (in mid-May 2023) that fewer than 300 persons were then sharing a total of 87 toilets, including 53 DIXI Port-a-poddies.

34 [www.zoll.de/DE/Fachthemen/Arbeit/Mindestarbeitsbedingungen/Anforderungen-an-Unterkuenfte/anforderungen-an-unterkuenfte\\_node.html](http://www.zoll.de/DE/Fachthemen/Arbeit/Mindestarbeitsbedingungen/Anforderungen-an-Unterkuenfte/anforderungen-an-unterkuenfte_node.html)

35 After the contact initiated by Oxfam in early April 2023, EDEKA deleted this page from its website. The page is, however, still available for download in its original form over the following link: [web.archive.org/web/20220630061619/https://www.edeka.de/nordbayern/unsere-region/regionale-lieferanten/brandenburg/spreewaldbauer-ricken.jsp](http://web.archive.org/web/20220630061619/https://www.edeka.de/nordbayern/unsere-region/regionale-lieferanten/brandenburg/spreewaldbauer-ricken.jsp)

36 Rent levels are regulated under the landlord-tenant law, which foresees a rent ceiling defined as a maximum deviation from the average rents paid in a specific market segment. Many rural communities, however, do not promulgate any such index of average rents, or would need to define under law a new segment pertaining to lodgings as minimally furnished as those at issue here.

37 In our conversation with him, Mr. Ricken contested this representation of the facts, stating that all workers had health insurance and that the person in question had received sick pay. The workers we talked to, however, knew nothing about this.

38 Mr. Ricken confirmed, when asked, that seasonal workers were deployed in search of bones in the woods. His objection to the effect that they could all have obtained protective clothing was contradicted by the workers.

39 Spreewaldbauer Ricken, when informed of this condition, said it would repair the room.

40 [www.zeit.de/2022/02/saisonarbeit-deutschland-arbeitsbedingungen-ausbeutung](http://www.zeit.de/2022/02/saisonarbeit-deutschland-arbeitsbedingungen-ausbeutung)

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42 See, e.g.: [taz.de/Georgischer-Ernte-helfer-flieht-/!5774251](http://taz.de/Georgischer-Ernte-helfer-flieht-/!5774251); or [www.sueddeutsche.de/wirtschaft/ernte-helfer-georgien-saisonarbeit-1.5334968](http://www.sueddeutsche.de/wirtschaft/ernte-helfer-georgien-saisonarbeit-1.5334968)

43 See, e.g.: [georgiatoday.ge/10-citizens-of-georgia-to-return-home-after-seasonal-worker-program-failure](http://georgiatoday.ge/10-citizens-of-georgia-to-return-home-after-seasonal-worker-program-failure)

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47 [www.swr.de/swraktuell/baden-wuerttemberg/friedrichshafen/urteil-im-ernte-helfer-prozess-in-ravensburg-100.html](http://www.swr.de/swraktuell/baden-wuerttemberg/friedrichshafen/urteil-im-ernte-helfer-prozess-in-ravensburg-100.html)

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62 [www.daserste.de/information/politik-weltgeschehen/mittagsmagazin/videos/Spanische-Tomaten100.html](http://www.daserste.de/information/politik-weltgeschehen/mittagsmagazin/videos/Spanische-Tomaten100.html)

63 Research by Oxfam in German supermarkets.

800,000  
YEARS

... is how long Aldi-Süd heir Karl Albrecht Junior would have to harvest asparagus, if he wanted to earn his net worth of 14.5 billion Euro with the wages of a seasonal worker.<sup>82</sup>

To put this figure in context: Scholars date to about 800,000 years ago the earliest evidence of Homo Erectus—a predecessor of modern man—using fire in the preparation of food.<sup>83</sup>

Even assuming he was paid the German median income (44,000 € before taxes per year), Albrecht Junior would have to work—without making any expenditures—for 540,000 years. At about that point in time, the ancestors of modern man had “just” populated central Europe: The “Mauer 1 Mandible” is estimated to be about 600,000 years old.<sup>84</sup>

64 [wearesolomon.com/mag/focus-area/migration/greek-strawberries-made-in-bangladesh](https://wearesolomon.com/mag/focus-area/migration/greek-strawberries-made-in-bangladesh)

65 See, e.g.: [www.oxfam.de/presse/pressemitteilungen/2021-02-09-knebelliste-deutscher-supermaerkte-setzt-lieferanten-druck](https://www.oxfam.de/presse/pressemitteilungen/2021-02-09-knebelliste-deutscher-supermaerkte-setzt-lieferanten-druck)

66 Statement by a farmer, who sells strawberries to supermarkets in his region, March 2023.

67 [www.swr.de/wissen/odyssey/supermarktketten-diktieren-preise-100.html](https://www.swr.de/wissen/odyssey/supermarktketten-diktieren-preise-100.html)

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69 The German Act on Agricultural Associations and Supply Chains (AgrarOLkG), which went into force in 2021, prohibits any such “return of unsold agricultural ... produce, unless the purchase price and the costs of disposing of any unusable produce are paid in full.” The Bundesanstalt für Landwirtschaft und Ernährung (German Federal Agency for Food and Agriculture), responsible for overseeing this sector, claims that it is currently working on agreements for the return of unsold produce (see: [www.bioland.de/fileadmin/user\\_upload/Erzeuger/Fachinfos/Archiv\\_Fachmagazin/bioland\\_2022\\_06.pdf](https://www.bioland.de/fileadmin/user_upload/Erzeuger/Fachinfos/Archiv_Fachmagazin/bioland_2022_06.pdf)). Since December 2022, there is moreover a bureau for filing anonymous complaints. This is intended to make it possible for producers to file complaints with the agency without risking retaliation from the supermarkets (see: [www.ble.de/DE/Themen/Marktorganisation/UTP/UTP\\_anonyme-Hinweise.html](https://www.ble.de/DE/Themen/Marktorganisation/UTP/UTP_anonyme-Hinweise.html)).

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71 [www.agrarheute.com/management/agribusiness/studie-macht-lebensmittel-einzelhandels-deutlich-gewachsen-592177](https://www.agrarheute.com/management/agribusiness/studie-macht-lebensmittel-einzelhandels-deutlich-gewachsen-592177)

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73 Lademann / Kleczka [2023]: Marktbeherrschung im Lebensmitteleinzelhandel?, p. 201

74 [www.freshplaza.de/article/9427912/importe-waehrend-der-saison-drucken-preise-und-absatz](https://www.freshplaza.de/article/9427912/importe-waehrend-der-saison-drucken-preise-und-absatz)

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77 [www.mindestlohn-kommission.de/DE/Forschung/Projekte/pdf/Bericht-2022-Mindestlohn-Saisonbeschaeftigung.pdf](https://www.mindestlohn-kommission.de/DE/Forschung/Projekte/pdf/Bericht-2022-Mindestlohn-Saisonbeschaeftigung.pdf), p. 103

78 [www.mindestlohn-kommission.de/DE/Forschung/Projekte/pdf/Bericht-2022-Mindestlohn-Saisonbeschaeftigung.pdf](https://www.mindestlohn-kommission.de/DE/Forschung/Projekte/pdf/Bericht-2022-Mindestlohn-Saisonbeschaeftigung.pdf), p. 104

79 [www.faire-mobilitaet.de/landwirtschaft/++co++ccf3eda2-c3ad-11eb-bd5a-001a4a160123](https://www.faire-mobilitaet.de/landwirtschaft/++co++ccf3eda2-c3ad-11eb-bd5a-001a4a160123)

80 Quotation from the response of Aldi Süd.

81 For a recent report, see, e.g.: [www.rbb24.de/wirtschaft/beitrag/2023/02/lieferkettengesetz-tomaten-berlin--brandenburg-produktion-menschenunwuerdig-bedingungen-rechte.html](https://www.rbb24.de/wirtschaft/beitrag/2023/02/lieferkettengesetz-tomaten-berlin--brandenburg-produktion-menschenunwuerdig-bedingungen-rechte.html)

82 Hypothetical calculation based on working 40 hours a week at the minimum wage of 12 Euro an hour, with deductions for income tax in tax bracket 1 and social security contributions, but no expenditures whatever.

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© Oxfam Deutschland e.V.  
May 2023

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## THANKS TO

Katharina Varelmann, Janna Wichern und Michael Baumgarten (PECO-Institut e.V.), Benjamin Luig (Initiative Faire Landarbeit), Veronika Däges, Magdalena Preis, Annika Zieske, Juan José Gomez Cardona (Oxfam Deutschland), Susanne Uhl (NGG), Sergiu Lopată und Magdalena Stawiana (Arbeit und Leben), Patricia Popov, Levani Idadze

Oxfam is an international confederation of 21 organizations, working with its partners and allies, reaching out to millions of people around the world. Together, we tackle inequalities to end poverty and injustice, now and in the long term—for an equal future.

The Initiative Faire Landarbeit (IFL) has been engaged in improving the situation of seasonal workers in agriculture for years, and interacts with them by providing on-site information and advice in the fields and in their lodgings all over Germany. The Initiative is an association of labor law advisory services (Beratungsnetzwerk Gute Arbeit von Arbeit und Leben, Fair Mobility, European Migrant Workers Union), the Industriegewerkschaft Bauen-Agrar-Umwelt (IG BAU), the Peco-Institut, and ecclesiastical institutions offering pastoral care for employees. In its annual reports, the members of the IFL describe the labor law violations that seasonal workers report to them or that its staff observes in the context of its field work.



In 2022, about 110,300 tons of asparagus were harvested in Germany.<sup>85</sup>

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This study was made possible by support from the European Union. Oxfam Deutschland e.V. is alone responsible for its content; this content in no way reflects the views of the European Union.



Co-funded by the  
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