

# **Trapped Within Borders: Exploitation of Migrant Seasonal Workers in German Agriculture During COVID-19 Lockdown; Placing the Actors and Understanding Their Roles**

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**Abstract**

While European borders were closed because of the COVID-19 pandemic, Europe witnessed the exodus of Romanian seasonal workers to Germany. Although both countries' governments agreed to allow this under the condition of the strictest adherence to the sanitary restrictions and workers' rights, soon after, the media began to report situations of non-adherence to the coronavirus-related measures and workers' labor rights. Following the theoretical framework of the Routine Activities Approach and its updates, this case study combines the collection of press material (N=140), Facebook posts (N=93), and interviews with seasonal workers in agriculture (N=5) and identifies the exploitative behaviors and actors involved. The results suggest that the perpetrators of these behaviors were certain intermediaries as well as farmers. The seasonal workers most at-risk were those with poor literacy who had not mastered the German language, were financially precarious, and were unwilling to seek the authorities' help. The spaces in which the exploitation occurred were cyberspace or isolated rural farms. Seven guardians and seven super-controllers played a considerable role in protecting the workers on the farms, but not during the recruitment process. Situational prevention techniques, such as the creation of a mobile application to inform workers of their rights and allow them to report violations remotely, and collaboration with online platform services to flag fraudulent job advertisements automatically are proposed.

**Keywords:** exploitation; fraud; working conditions; difficult-to-reach groups; routine activities theory

This article addresses seasonal farmworkers' victimization during the COVID-19 pandemic. Seasonal workers are defined as "...individuals who move from one place to another to work in agriculture, and who then return to their permanent residences at the end of a season" (Şimşek et al., 2016, p. 627). These individuals are a difficult-to-reach population (Barrick, 2016) and are at risk of suffering early mortality and diseases (Arcury & Quandt, 2007; International Labour Office, 2004; Şimşek et al., 2012; Steege et al., 2009), an outcome intensified by their migrant lifestyle, geographical and social segregation, lack of access to healthcare, and their insufficient awareness of preventative health strategies (Arcury & Quandt, 2007; McCollum & Findlay, 2015; Shubin & McCollum, 2021) or their rights (Boels, 2016). They can also be vulnerable to trafficking or exploitation (Barrick, 2016; Byrne & Smith, 2016; International Labour Office, 2004; Zhang et al., 2014). Their working conditions are often poor with respect to salary, social protection, and accommodations (Barrick, 2016; Boels, 2016; Ceccato, 2017; Shubin & McCollum, 2021; Zhang et al., 2014). For instance, it has been reported in several countries that workers are hosted in unsanitary places for which they still had to pay considerable fees deducted from their salary (Arcury et al., 2012; Boels, 2016; Flocks & Burns, 2006; Villarejo et al., 2010). Moreover, their vulnerability has been exacerbated during the COVID-19 pandemic (Tagliacozzo et al., 2021). The risk factors for their exploitation and poor working conditions are undocumented (Arcury et al., 2012; Barrick, 2016), and they are not informed about the hiring enterprise (Barrick, 2016). To counter this exploitation and victimisation, work on the part of regulatory and inspection agencies is essential to protect these seasonal workers (Boels, 2016). However, US studies have indicated that law enforcement agencies deny these realities and do not act to prevent them (Barrick et al., 2014). Conversely, even when law enforcement agencies do respond, seasonal workers have little trust in institutions and are unwilling to report offenses to them (Barrick et al., 2014).

In 2020, the COVID-19 pandemic changed the agricultural conditions of many Western European countries that depended previously upon Eastern European seasonal workers—many of them Romanians—to harvest their crops. In Germany, this has been particularly true for white asparagus, a popular vegetable harvested in spring and sold for a considerable price. Every year before the pandemic, approximately 300,000 foreign workers travelled to Germany to harvest the crop for an industry worth 700 million Euros (Craciun, 2020). In Europe, the lockdown and closure of borders coincided with the asparagus harvesting season, and farmers worried about the absence of a workforce if foreigners were not allowed to travel to Germany (Balaban, 2020). On the other hand, citizens from Eastern Europe were willing to take on this occupation. In this context, in April 2020, German and Romanian authorities agreed to an exceptional opening of their borders to allow Romanian workers to travel to Germany and work in agriculture (Craciun, 2020; *Ordonanța Nr. 7, Din 4 Aprilie 2020*). Consequently, hundreds of special flights from Romania to Germany were organized for which only seasonal workers could apply (Humeniuc, 2021). In Germany, employers met their workers at the airports, transported them to the farms, offered them housing, and paid part of their daily expenses. The Romanian employees were

supposed to be in quarantine for the first 14 days, and during this time they could work separately from the other workers. German employers also rearranged their infrastructure to ensure social distancing, in which only two people shared the same room and face masks and hand sanitizers were provided (Deutsche Welle, 2020). This was intended to be a mutually beneficial situation in which Germans would obtain their harvests, whilst Romanians would make a living, upon which many of their family members depended. However, this exodus was not free of challenges, and soon exploitation and fraud began to be reported (Chiriac, 2020; Stirileprotv, 2020). This was a particularly vulnerable situation because people who wanted to leave or who were fired remained in a state of limbo because of the closed national borders.

This research seeks to investigate the actors, exploitative behaviours<sup>1</sup>, victims, and guardians/super-controllers implicated in the victimization of Romanian seasonal workers in Germany during the COVID-19 pandemic. To do so, we apply the criminological theoretical framework of the *routine activities theory* (RAT) (Cohen & Felson, 1979) and its updates (Sampson et al., 2010). The novelty of this article is that it explores the understudied phenomenon of the victimization of seasonal workers in a rural context that affected many people in highly vulnerable situations.

### Theoretical Background: Routine Activities Theory (RAT)

In this article, we apply RAT to analyse the exploitative acts committed in German agriculture during the coronavirus pandemic. It is important to note that this article does not test this theory and does not apply narrow legal definitions of the exploitative behaviours mentioned. The original version of the RAT states that a predatory crime requires a *motivated offender*, a *suitable target*, and the *absence of a capable guardian* (Cohen & Felson, 1979). The theory was developed over the years (for an overview see Eck & Madensen, 2015), and one of its most recent versions consists of three-layer triangles (Sampson et al., 2010, see Figure 1) that take into account many roles other than the traditional ones. In the first layer, Sampson et al. (2010) kept the well-known roles in the core of the triangle that Felson (1986) updated, of *motivated offender*, *suitable target*, and *place* as the main requirements for a crime to occur: An offense is likely to take place only if a motivated offender finds him/herself with a suitable target in the same place.

*Controllers*, who are the protagonists in the second layer of the triangle, can influence all three roles. For example, motivated offenders have *handlers* who are close persons who may deter them from committing a crime and motivate them to stay ‘on the right path’ (e.g., a significant person, parents, or peers). In the same sense, the suitable target or victim may have a *guardian* (e.g., police or informal social control) who offers protection. Similarly, the place may

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<sup>1</sup> It is to note that we use the expression “exploitative behaviours” as a descriptive concept and not a legal definition, given the complexity of using two different criminal codes and collecting many of the data from journalistic sources.

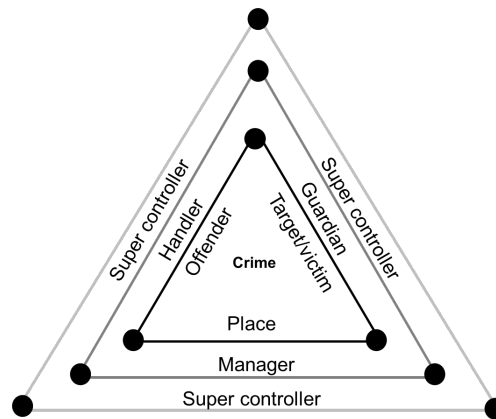
have a *manager* (e.g., a concierge, shopkeeper) whose task is to manage the premises. These three roles' presence would make the offense less likely to occur, and their absence would make the offense more likely to occur.

Handlers, managers, and guardians are not necessarily motivated to comply with their task. To address that issue, Sampson et al. (2010) proposed the existence of *super-controllers* (e.g., regulatory agencies, the media, family relationships, courts, or markets) in a third layer who would motivate or verify whether the controllers complied with their tasks and could even influence other super-controllers. Therefore, following a *rational choice perspective* (Cornish & Clarke, 2014), the controllers would tend to decide to prevent a crime because it would be the option that is in their best interest.

As clarification, all of these elements (offender, target/victim, handler, guardian, manager, and super-controllers) are *roles*, not *specific people*. In that sense, a person can be both a victim and an offender on the same day, or may be a handler in a specific situation but an offender in another (Eck & Madensen, 2015). In this article, we will identify all of these roles in the case of exploitative acts committed in agriculture in Germany.

### Figure 1

*RAT: Theorization of Sampson et al. (2010)*



Source: Author's elaboration from Sampson et al. (2010)

## Methods and Materials

This article combines data from 140 Romanian media reports (journal articles, videos, and photos), 93 Facebook posts, and five interviews with seasonal agricultural workers. The processes of data collection took place simultaneously. While we recruited participants for the interviews, we monitored the media activity and complemented our sample with Facebook posts

on job offers. It is essential to note that this paper is descriptive and offers a study only of the prevalence of crimes against farm workers committed during the pandemic. The lockdown, closure of borders, and the sensitive nature of our study prevented us from going to the farms, and thus, we tried to recruit Romanians working in German agriculture via Facebook groups. From May through September 2020, we contacted approximately eight Facebook groups of Romanian diasporas and posted several messages asking for participants in our research. Five people were interested, and we met them on WhatsApp video calls or Facebook videos to conduct semi-structured interviews (see Appendix 1) that focused on the manner in which the agricultural work was organized during the pandemic, the recruitment process, tasks, timetables, and wages, work permits and contracts, and the challenges or dangers in the domain. All of the participants signed consent and information forms.

In total, we interviewed five people, four workers in German agriculture and the sister of one seasonal worker in Germany during the COVID-19 pandemic. The latter related the experiences of her sister, who was living in a distant rural area and whose smartphone was broken. The sample of interviewees is described in Table 1. We used *Google news* and several keywords in Romanian (*agricultura covid sparanghel Romania, sparanghel Germania*) to collect the press reports (N=140). Then, we selected all relevant articles from March 2020 until the 1<sup>st</sup> of October 2020 and included them in our database. We also complemented our sampling in Facebook (N=93) by gathering recruitment agencies' job announcements (and Facebook users' comments on them) and posting on the same groups where we attempted to recruit participants for the interviews.

**Table 1**

*Distribution of the Interviewees (N=5)*

	<b>Nationality</b>	<b>Place of work</b>	<b>Sex</b>	<b>Age</b>	<b>Duration of interview</b>
<b>R1</b>	Romanian	Large farm	Man	35-50	39 mins
<b>R2</b>	Romanian	Large farm	Woman	35-50	23 mins
<b>R3</b>	Romanian	Large farm	Woman	20-35	15 mins
<b>R4</b>	Albanian/Romanian	Small farm	Man	20-35	17 mins
<b>R5</b>	Romanian	Large farm	Man	35-50	34 mins

We conducted a content analysis of the data using *NVIVO* (Castleberry & Nolen, 2018). In total, we coded 11 topics that were consistent with the theoretical framework applied herein. Table 2 describes the codes that emerged in our data analysis and the number of times they appeared.

**Table 2**

*Distribution of the Codes (N=140 News, 5 Interviews, and 92 Facebook Posts)*

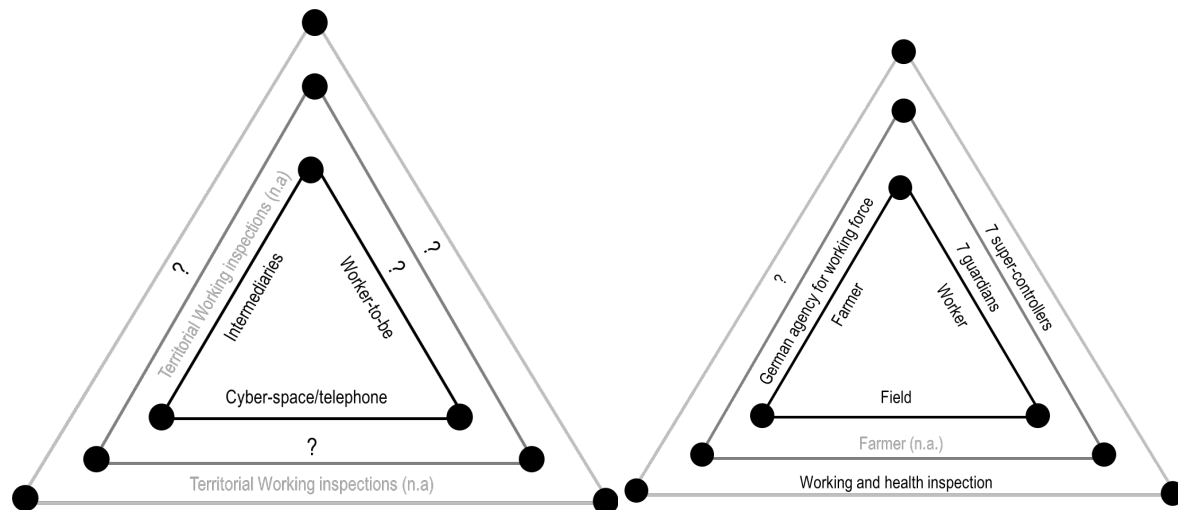
<b>Codes</b>	<b>Frequency</b>	<b>Percentage</b>
Working conditions	92	18.66
Illegalities and exploitation	69	14.00
Intermediaries	64	12.98
Risk factors for exploitation	60	12.17
COVID-19 context	54	10.95
Super-controllers	50	10.14
Workforce's needs	27	5.48
Guardianship	34	6.90
Positive experiences	17	3.45
Reasons for migration	15	3.04
Legal challenges and interpretation	11	2.23
<b>Total</b>	<b>493</b>	<b>100.00</b>

### **Findings**

Here, we describe the actors who coexisted in the triangle of exploitative behaviours in seasonal work in Germany: (1) the offenders; (2) the victims; (3) the places; (4) the controllers, and (5) the super-controllers. Using Sampson et al.'s (2010) update of the RAT as a framework, Figure 2 illustrates the role of each actor identified in both the fraud the intermediaries committed and the exploitation in agriculture the farmers committed. The actors colored in gray are theoretical, not operative, and the interrogation signs indicate that we could not identify any actor who performed that role.

Figure 2

*Application of Updated RAT to Fraud and Exploitation in Agriculture*



## Offenders

We identified two types of perpetrators of exploitative acts: the intermediaries and the farmers.

### *Intermediaries*

Foreigners are usually difficult to recruit and many German employers lack networks in foreign countries. In that situation, the industry needs to refer to *intermediaries*, which are recruitment agencies in Germany or overseas or private citizens from the same country who know both the employer and the future employees. These *intermediaries*, whom the employer pays typically, are supposed to facilitate the recruitment process because they normally speak the same language as the recruits, can organize the logistics, and may draw up a subcontract with the original employer to facilitate the paperwork.

However, this position as a middleman can facilitate crime, particularly fraud (*sensu lato*). The German farmers contacted recruitment agencies and Romanian gatekeepers to advertise the job offer. These companies operate online or via newspapers, whilst the private intermediaries contact their own network of acquaintances. However, recruitment via social networks and advertisements are illegal in Romania if not accompanied by specifics about the enterprises' data and identification number.

Some of the interviewees and many press articles highlighted that these companies organized the trips hurriedly, in the sense that the prospective workers were told that they could travel as soon as the day after they spoke on the phone for the first time. The Romanians who



agreed to go to Germany during the pandemic—some of whom had not signed any contract—took the special flights organized to leave the country during such a period. The buses the intermediaries hired took the people to the airport without regard for COVID-19 and airports' regulations against large gatherings of people.

*Respondent 5:* I had a few problems because half of the passengers on the plane had an employment contract, and the other half did not. I didn't have a contract.

*Researcher:* So, you didn't sign anything with this company?

*Respondent 5:* Only some papers to be able to travel with that company and enter the quarantine in Germany.

Most importantly, some intermediaries appear to have embellished the working conditions, salary, and the services included during the workers' stay in Germany. For example, some recruiters communicated to the prospective workers that the employer had taken care of everything (from the flight ticket to the food and accommodation), which was untrue in several cases. Therefore, after arriving in Germany, workers found that the conditions they were promised were quite different in some cases. Some of the people were told that they would be paid the minimum German salary per hour (approximately 9 euros), but instead, they were paid according to the kilograms they harvested (approximately 50 cents per kilogram), under a specific clause. If they did not harvest the number of kilograms required to reach the minimum 9 euros per hour, they would be paid at least the minimum salary. Nonetheless, not knowing this from the beginning increased some of the workers' anxiety and confusion.

*Journal article 1:* Tensions over wages can also be generated by the fact that in Romania, some of the seasonal workers, particularly those who go to a farm for the first time, leave only with verbal promises about money. They call the phone numbers in the ads, are told the conditions, and arrive in Germany only on the basis of an invitation document in which there is no column specifying how and how much they will be paid. The actual signing of the employment contract takes place only in Germany.

Further, some intermediaries promised that health insurance would be included in the contract, which was untrue in many cases. Actually, because of the short time they worked (a maximum of three months), the German farmers were not obliged to provide the workers with any health insurance, so the workers should have come with their own coverage. However, in Romania, only those who had been working legally had access to public health insurance, and those who had been unemployed for a long while had to purchase private coverage. Moreover, when several Romanian workers were in problematic situations in Germany and needed the intermediaries' assistance, the companies appear not to have responded to their requests.

These exploitative practices of some intermediaries also seem to have affected certain legitimate recruitment companies that lost customers.

*Journal article 2:* [A recruiter] Usually, when they [the seasonal workers] call us, they are shocked because they feel that the salary is lower than what is offered on the market. The salary is lower because they work legally, their taxes are deducted, they also have medical insurance and accommodations—a situation that does not happen with those [seasonal workers] who have left now.

### ***Farmers and Persons in Charge***

In general, some interviewees argued that the working conditions the farmers or the persons in charge imposed were abusive, and some farmers did not respect the laws, contracts, or health safety measures imposed during the pandemic. The first problem is that once on the farm, some Romanians found work conditions that put their health at risk. For example, measures to prevent the spread of COVID-19 were not followed: Many people shared rooms, did not receive face masks, and could not adopt social distancing.

*Journal article 3:* Despite the corona protection rules for seasonal workers, there are violations of the generally applicable health protection rules. According to a panoramic study, agricultural workers on large farms, (...) continue to be transported in groups of 40 to 70 people in a trailer from the farm to the farms. Apparently, they do not wear masks. Working groups can have up to 45 people. Many farm workers sleep in too tight spaces. According to hygiene rules, the rooms should only be half occupied. However, farm workers describe that, like in previous years, they sleep in fully occupied multi-bedrooms in containers bed by bed.

*Researcher:* And what, for example, was given to you all? Did the employer provide masks, or gloves, or protective stuff? I see on your face that they didn't (laughs).

*Respondent 1:* No, only when we went out for shopping, that's all. Otherwise, no.

The workers also complained about the harsh working conditions: long working hours, lower salary than promised, and too many fees. All of these problems were in addition to the psychological pressures that they endured while they worked on the farms. Three interviewees had the impression that they were tricked with respect to their wages. In addition to not understanding the low sums they received, they argued that the person in charge, when assessing the performance of those who were paid according to kilograms at the end of each workday, would count fewer kilograms than those actually collected. When asked why, the workers

indicated that the person in charge “redistributed” the supplementary kilograms to members of his/her family who were also working there.

*Journal article 4:* Too often, national authorities, dealing with local issues, fail to deal with sufficient diligence the cases of foreign nationals. Not all, but some employers of seasonal workers know this and use it, as well as the ignorance of workers, to cut corners: invent arbitrary expenses that they deduct from the workers’ already low wages, accommodate them in cheap, cramped spaces and cold (such as barns or containers) and often fire them when they complain about keeping all other workers in line.

*Respondent 5:* When you work 10 hours at an employer and he won’t give you any money, I don’t know why it’s okay, and particularly when someone is pushing me, insulting me for working, I don’t know why it’s okay. (...) He told us to cut the asparagus to a certain size to go faster. The moment he saw that you cut it shorter, he started to insult you, he threw all the asparagus you had in the box, even if it was short, even if it was long, he threw it at you. He was kicking the box, and you realized your work for a few hours or maybe half a day was gone.

*Respondent 1:* I’m telling you for sure, they were tricking us about the working hours. So instead of paying for 16 hours a day, you were paid for 10 or 12 hours.

The farmers, or persons in charge, also failed to ensure that the workers actually understood the contract clauses given to them in documents to sign that contained many opaque or difficult-to-understand clauses that violated the workers’ rights.

*Journal article 5:* The situation worsened when the company with which they had signed the employment contract refused to grant them a salary advance for food and did not even provide them with food or water. After 24 hours and several messages sent to the owners of the company, people were forced to sign a document, initially believing that it contained regulations on compliance with hygiene and quarantine conditions. In fact, they had just been fired at 10 p.m.

Lastly, in some cases, the farmers or persons in charge also confiscated workers’ passports or ID cards, as a ‘strategy’ to prevent them from leaving without any prior notice and to oblige them to pay fees, such as their airplane tickets and expenses, before they left. This practice, which some media mentioned is the same strategy traffickers in human beings use, is illegal regardless of the employer’s ‘logical’ reasons. Moreover, when asked about their understanding of this strategy, our interviewees did not understand why the employer did such things:

*Respondent 2:* After you arrive, the second or third day when you go with some forms from the council (...) then, yes, you also hand over your ID card and you get it back only at the end of your contract.

*Researcher:* And why do you think that is the way it is?

*Respondent 2:* I don't know...

### **Suitable Targets**

The victims of the acts mentioned above were the Romanian workers who went abroad to work and live in the countryside, where local farmers hosted them. We believe that, from a RAT perspective, many were suitable victims because of their numerous risk factors. First, their precarious, and often *desperate*, financial situation, rendered them, on the one hand, highly vulnerable to accept suspicious contracts or agreements. On the other, they were ready to endure the harshest conditions to earn a salary. Moreover, because of their desperate situation, many people did not ask questions about where to go or with whom.

*Journal article 6:* And what to do? To starve until the virus ends or what? If we do not die of the virus, we die of hunger.

*Respondent 1:* It's hard [in agriculture], as the problem is that no one with a college degree comes to harvest the asparagus (...). But as I said, yes, I still need some money (...). And I worked hard at one point, and I couldn't get on my knees, that's it. It rained on me one day, and I had water even in my bones, you know. Mud to the ankles, but I said, I want to make money and I worked in those conditions, you know?

Their vulnerability only increased when they arrived in Germany, as many of them could not speak German, which prevented them from communicating their needs or asking questions. Their lack of mastery of German may also have caused misunderstandings. Their isolation on a farm where they lived in containers made it very difficult for them to get external help. Because of the unsanitary conditions, it was unclear whether it was possible for the workers to resign and return to Romania if they were not satisfied with the conditions, as the borders were still closed. Some of them were in such a precarious financial condition that they had no money and therefore, needed to sleep in the streets after they left a farm. When sick, many of them lacked health insurance because of the intermediaries' false promises, and their previous financial precariousness because of unemployment in Romania. The last two risk factors for their victimization that we found are their distrust in, and fear of, contacting the police or other authorities, such as the Romanian Embassy, for instance.

*Journal article 7:* For example, in the case of the ID cards, it would have been best if some of the workers had complained to the police against this farmer, who had also been sent to the prosecutor's office. But none of the workers wanted to make such a complaint.

Conversely, based upon the testimonies of the interviewees who had a good experience in agriculture and in some press articles, we identified several protective factors that may decrease workers' risk of enduring victimization in agriculture: (1) knowing their own rights; (2) having access to the Internet, and (3) having contact with the Romanian Embassy, work syndicates, or the press and being willing to contact them. For instance, those who had data plans on their smartphones were able to post videos and pictures and thereby alert the authorities and the press about the harsh working conditions.

### **Places**

The intermediaries operated largely in cyberspace or via the telephone, 'places' that appeared to be prolific in causing these types of exploitative behaviours. Many of the workers did not know with whom they were communicating (in extreme cases, they did not even know which enterprise). Because they only talked via telephone, they did not know the appearance of the person they talked to, and could not identify them and give any useful information to the police other than a telephone number.

The farmers operated in isolated rural areas where only the workers and employers were present. This was usually where the employees worked and lived. The isolation of the workers who needed to be quarantined, the general segregation of the entire place, and the impossibility of finding a way to leave Germany because of the closed borders made these places ideal for committing labor exploitation and negligence.

### **Controllers**

No guardians were found who attempted to prevent the would-be workers' victimization by their intermediaries. We did identify seven types of guardians, both preventive and reactive, who were either preventing victimization or supporting the victims of fraud and exploitation in agriculture in Germany and therefore preventing their repeated victimization. We describe them below.

The German police went to the farms several times when conflicts emerged, and intervened in the cases of unlawful firing of workers. This was also the case for the work and health inspections in Germany. Another guardian was the Association of German Farmers, which proposed helping terminated workers find new employment. The agriculture syndicates also controlled whether the workers were paid fairly and maintained contact with them. For its part,

the *Fair Mobility Project* installed a hotline and communicated in Romanian with all those who had any doubts and also shared prevention strategies on their website and offered counselling to prevent the exploitation and fraud in work settings:

*Journal article 8:* The health inspectors, together with the police, arrived there the other day after some of the employees had an argument with the employer, because of the working conditions and salaries.

*Journal article 9:* The conclusions of the control report that was made public show that, because of the overcrowding of the rooms where the Romanian workers slept, the employer must offer new accommodations for at least half of the people on the farm. The farmer was ordered to provide accommodation appropriate to the pandemic situation until Monday, April 27, at noon. Otherwise, the authorities will intervene to resolve the situation. The document of the authorities also indicates that an agreement had been reached with the police to verify the way in which the workers were taken to the farms by bus in order to respect the rules of social distancing.

Nevertheless, we were unable to identify many handlers who discouraged the intermediaries or the farmers from perpetrating the behaviours mentioned above. Indeed, when we study this phenomenon from the perspective of the victims or external actors, it is very difficult to understand the perpetrators' perspective or motivations. To do so, we would have to interview farmers or intermediaries who exploited or defrauded these workers.

We believe that the German National Agency for the workforce could have played the role of the farmers' handler by offering them help in case of financial problems, and therefore, prevented them from imposing harsh working conditions and not paying their employees:

*Journal article 10:* If the employer has financial problems, he will receive financial support from the National Employment Agency for employees' salaries. The allowance represents 60% of the net salary, and for employees with at least one child, it reaches 67% of the net salary.

We could not find any managers of places who performed their task effectively. In general, as the Romanian Territorial Working Inspections lacked resources and could not investigate the legitimacy of all intermediaries who posted offers during the coronavirus-related emergency, they suspended their activity. In the case of the exploitation on the farms, the farm managers and the motivated offenders are likely to get away with their actions because of poor oversight, whilst their benefits are substantial.

## Super-Controllers

The super-controllers who we believe were the most important were the mass media. The press and the television in both Germany and Romania went to the airports, contacted the prospective workers, and monitored the situation by interviewing workers and experts and exposing pictures and videos of some of the farms. We believe that this was essential to motivate the other super-controllers to act and to encourage the guardians (police, inspectors, syndicates) to protect the victims.

*Journal article 11:* In most cases, the Romanian Embassy in Berlin (...), and the Romanian consulate generals in Bonn, Stuttgart, and Munich, complained to themselves as a result of the information reported in the media, and then urgently took action with the German federal authorities to check if the reported cases are confirmed and to request, as needed, the local authorities (...) to be notified', said the Minister of Foreign Affairs.

Other super-controllers identified were (2) the Romanian Minister of Work, who also went to Germany to visit several farms and meet with the German Minister of Work; (3) the Romanian Embassy, which took action and coordinated with the German authorities' measures to prevent these events from being repeated; (4) the Romanian lawyer for the people who wrote a petition to the German Minister of Work and the President of the Commission of the German parliament requesting information about the safety of the Romanian seasonal workers in Germany; (5) the German-Romanian Society, which sent an open letter about the immigration and migration to the Romanian State Secretary to inform him about the seasonal workers' situation and ask him to take measures, and (6) some parliamentary groups. This situation also motivated super-controllers to prevent future infractions by, for instance, revisiting the seasonal work legislation in Germany and the EU.

## Discussion and Conclusion

This research extends the RAT into the arena of exploitation and crime in seasonal work in agriculture during the COVID-19 pandemic by demonstrating that there is a greater likelihood of offending in the presence of suitable targets and places, motivated offenders/handlers, and a lack of guardians/managers/super-controllers. We focused on a particularly vulnerable period: The coronavirus-related lockdown, during which both Romania and Germany opened their borders to allow Romanian seasonal workers to travel to Germany. In such a situation, although the authorities reassured the most skeptical with solid plans, many reports appeared that there was non-compliance with the safety restrictions and violation of the workers' rights. Some seasonal workers faced a different reality than the one agreed upon with the intermediaries or the farmers, and suffered poor working conditions and fraudulent situations. Although this does not

seem different from other countries (Barrick et al., 2014; Boels, 2016; Ceccato, 2017), it may indicate that the pandemic exacerbated the workers' vulnerability as well as their options to leave, as reported in Italy as well (Tagliacozzo et al., 2021). This scenario's uniqueness rests in the fact that, as the title of the article states, the migrants were "trapped" within borders, and were unable to leave if displeased with the working conditions. For instance, had they wished to quit the job, they would find themselves unable to return to Romania because of the closure of borders and the lack of public transport, e.g., plane, train, or bus. Moreover, in this period in which access to health services is needed because of the potential to be infected with COVID-19, many workers lacked health insurance because they were not informed properly in Romania about the procedures they needed to follow to request it and because the German employers were not asked or required to provide such services. Although we do not know the prevalence of the phenomenon, some employers were also unwilling to take workers to a doctor. In the context of a lockdown, this is a particularly vulnerable setting.

In light of our results, applying the RAT to identify each actor's role has proven to be an asset, and therefore allowed us to identify the arena in which more efforts should be concentrated to prevent seasonal workers' exploitation. With respect to the suitable victims, we believe that it is essential to consider Ceccato's (2017, p. 151) reflection strongly: "A better understanding of the role and the impact of these temporary workers on the rural community is necessary, hopefully associated with a more extensive debate on the need to improve their living and working conditions in the countryside up to the level that a modern society (...) is expected to have." In that sense, we believe that guardians and super-controllers should have prioritized these seasonal workers' health and working conditions even more urgently during such a severe health crisis. Moreover, workers' situations were complicated even more because of the overlap between farmers' roles as manager and offender, such that the places where workers were exploited and victimized had no controller. Obviously, it is difficult to improve workers' living and working conditions and still maintain stable prices of the harvest and farmers' profits, but this aspect cannot be neglected.

Therefore, it would be interesting to find alternative solutions to decrease workers' vulnerabilities in such an isolated setting, and motivate ourselves to engage in situational prevention techniques (Cornish & Clarke, 2003). For example, we suggest a mobile phone app for seasonal workers (such as already exists in the United Kingdom; see *The Farm Work Welfare App*, n.d.), where they could find relevant information and assistance services in several languages, as well as make quick requests and, if needed, report the farmers. This procedure could signal to the administrations rapidly that an inspection should be conducted on that farm. This proposal could play two roles: (1) *special prevention* by deterring the farmers from recommitting exploitative acts once the inspection is carried out and sanctions are applied, and (2) *general prevention* by preventing farmers in general from committing any kind of offense, knowing that their employees have access to this service. Nevertheless, the illiterate workers



would still be at risk and therefore, this mobile phone app should consider disseminating its messages via videos or audio. The same is true for people without access to a smartphone or without a data plan, who would probably be at higher risk of victimization. Moreover, the intermediaries' background should be revisited. As highlighted, there are seldom guardians or controllers around the latter, and they operate either online or by telephone, which opens a wide scope of opportunities to commit offenses. As some press articles stated, the Romanian inspectors do not have the capacity to police the many fraudulent announcements posted online. To do so, it is obvious that more personnel are needed, but perhaps more sophisticated techniques based upon artificial intelligence and machine learning, could be useful as well to help the authorities police a greater number of advertisements at a lower cost. As many of these announcements are posted on job-search websites and Facebook, it would also be possible to collaborate with the websites' administrators, so that their automatic detection systems flag potentially fraudulent announcements, (e.g., by signalling those that are posted without a clear identification number or the enterprise name). Further, more transparent communication with the general population about which kinds of announcements are illegal would be highly useful in the flagging. In that sense, we could find only one press article in which a labour specialist stated that posting on the Internet without any reference number was illegal, but it is still unclear to whom one can complain and in which situations.

Despite these difficult situations of abuse and exploitation some workers reported, many guardians and super-controllers appeared to play a significant role in preventing (re)victimization of the workers once they were in Germany. Beginning with the super-controllers, we believe that the effort the press invested is remarkable, and it would also be important to highlight the great importance of having a free press in our democratic states that can detect and disseminate these kinds of problems. In our study, once the press began to report cases of illegal activities, many other super-controllers, such as the Romanian Embassy, the German government, etc., also began to exert pressure on the guardians (i.e., the inspectors and the police) and even motivated the workers to report any violations of their rights. This corroborates Sampson et al.'s (2010) postulate with respect to the significant role that super-controllers play in influencing not only controllers but also other super-controllers. Nonetheless, the exact interactions between super-controllers and controllers and whether the prevention techniques the controllers employed were successful in preventing crimes remains unclear. Still, it is important as well to take into account the role of power in the dynamics between controllers, managers, and workers, i.e., the asymmetry in the power, in the sense that the workers are highly dependent upon the managers, which could be a factor that may even have increased the abuse had the worker filed any complaint.

Ethical and methodological considerations are essential when investigating difficult-to-reach vulnerable populations as well as addressing sensitive topics (Díaz Fernández, 2019). In this respect, we found that this population was extremely difficult to reach because of (1) their

reluctance and fear of talking to researchers; (2) their complex timetables, and (3) our impossibility of traveling to the farms. We could conduct interviews only with a small sample, among whom one person was unavailable because her smartphone was broken, and therefore, we had to interview her sister.

These methods are indeed unorthodox, but they were the most pragmatic that we could apply in such a situation. Although we proposed to wait until her telephone was fixed, we were told that she was not sure when that would happen, because it is expensive and difficult to do so in a rural area. Therefore, rather than losing an important informant, we decided to interview the sister. In addition, among the people we met on Facebook, a person tried to put us in contact with other seasonal workers, but they declined, indicating that they were afraid of talking. In that vein, our inability to visit the farms was a highly significant limitation. Not only were borders closed, but we also had no network in the German agriculture sector, and we observed many times that farmers had not particularly welcomed journalists, and therefore, we assumed that researchers would not be welcome either. Moreover, our presence would probably have biased the people's behaviour by eliciting the social desirability bias. Therefore, the sole techniques available for our research were computer-assisted. It is also worth mentioning that our analyses were based upon media coverage and a limited number of in-depth interviews.

As the aphorism states: "When a dog bites a man, that is not news, because it happens so often. But if a man bites a dog, that is news." In our case as well, the press articles may have focused largely on the negative cases. As stated in Table 2, some respondents made positive remarks about the way their employers treated them. In addition, in our dataset, there are gaps that could not be filled, such as the perspectives of the farmers or experts in regulation in agriculture, inspection, or even members of labour unions or police officers, who could have provided more information about the specific interactions and influences between super-controllers and controllers. Their contributions would have been extremely helpful to increase our understanding of the phenomenon from a holistic perspective. Therefore, we suggest that further research focuses on studying the challenges in seasonal work by incorporating the views of actors other than the workers. It would be essential as well to continue documenting the situation of seasonal workers in the post-coronavirus environment as well to observe whether the authorities changed their approach with respect to the intermediaries, and whether new prevention strategies were applied in this domain.

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