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Occupational health in slaughterhouses in Germany: translating political claims into Legal Language during the COVID-19 pandemic

Gesundheitsschutz am Arbeitsplatz in deutschen Schlachthöfen: Die Übersetzung politischer Forderungen in rechtliche Sprache während der COVID-19-Pandemie

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Abstract: The COVID-19 pandemic provided political momentum for social and legal change in occupational health in slaughterhouses in Germany. After years of unsuccessful scandalisation over the precarious working conditions in slaughterhouses, a comprehensive legislative framework was introduced in 2020: the Federal Occupational Health and Safety Control Act (*Arbeitsschutzkontrollgesetz*). This article traces the political and legal events leading to the enactment of this legislation, contributing to a wider empirical debate about the interaction of civil society and democratic institutions. Methodologically, we combine a legal analysis of the legislative process with a political science analysis of the participation of civil society actors, mainly labour unions. Theoretically, we explore how civil society actors translated the content of political claims into legal arguments through the lens of disciplinary translations and knowledge translation. The results of our study highlight the importance of translations as a hermeneutic concept for bringing about legal changes.

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Zusammenfassung: Die COVID-19-Pandemie gab politischen Anstoß für eine Änderung des Arbeits- und Gesundheitsschutzes in Schlachthöfen in Deutschland. Nach vielen Jahren erfolgloser Skandalisierung der prekären Arbeitsbedingungen in Schlachthöfen wurde 2020 das Arbeitsschutzkontrollgesetz eingeführt. In unserem Artikel zeichnen wir die politischen und rechtlichen Ereignisse nach, die zu diesem Gesetz geführt haben, und leisten einen Beitrag zur empirischen Debatte über die Interaktion von Zivilgesellschaft und demokratischen Institutionen. Methodisch kombinieren wir juristische Analyse des Gesetzgebungsverfahrens mit politikwissenschaftlicher Analyse der Beteiligung von zivilgesellschaftlichen Akteuren, vor allem Gewerkschaften. Theoretisch untersuchen wir mit dem Konzept disziplinärer Übersetzungen und Wissensübersetzung (*knowledge translation*), wie zivilgesellschaftliche Akteure politische Forderungen in rechtliche Argumente übersetzen. Die Ergebnisse unserer Studie verdeutlichen die Bedeutung von Übersetzungen als hermeneutisches Konzept für Rechtsänderungen.

Schlüsselwörter: Arbeits- und Gesundheitsschutz, COVID-19, Schlachthöfe, Wissensübersetzung (knowledge translation), Gesetzgebungsverfahren

1 Introduction

The COVID-19 pandemic served as a catalyst for social, political and legal change. One important change affected the German meat industry. Prior to the pandemic, labour unions and public authorities had persistently decried the working conditions of contract workers in slaughterhouses, with little success (Sebastian/Seeliger 2022: 237). Following major outbreaks of COVID-19 among slaughterhouse workers, public discourse surrounding the pandemic became linked to a call to improve working conditions in the meat industry. The result was the introduction of the new federal Occupational Health and Safety Control Act[1] in 2020. Contractual relations between employers and workers in the meat industry were comprehensively regulated. The Act also gave the German Federal Ministry for Labour and Social Security[2] the overall authority to regulate health requirements in the workplace

1 Arbeitsschutzkontrollgesetz, herein: ArbSchKG.
2 Bundesministerium für Arbeit und Soziales, herein: BMAS.

vis-a-vis COVID-19.[3] Like other legislation introduced during the pandemic (Gallon 2023), the ArbSchKG was enacted very quickly.

This article traces the developments of the legislative procedure leading up to this change in labour law. Our underlying aim is to contribute to empirical research on the interaction between civil society and democratic institutions: how is a political claim translated into a legal claim? The concept of knowledge translation, used in health studies, is particularly helpful as it enables cross-disciplinary reflection about health policies (subsection 2.1.). Such an analysis is best achieved by combining legal, political and social science perspectives and methods (subsection 2.2. and 2.3.).

The legal dynamics underlying legislative processes usually fall outside the scope of social and political sciences, in part because such analysis requires in-depth legal knowledge. Legal research often overlooks the socio-political context of lawmaking and the practical implementation of legal rules, as the focus tends to be on interpreting norms, with little attention given to the drafting process. To fill this research gap, we combine legal analysis of the legislative process with a political science analysis of the participation of civil society actors, especially labour unions. More specifically, we seek to uncover the meaning of legal language in the legislative process by looking at how a labour union translated the content of its political claims into legal arguments. Following the concept of knowledge translation, we highlight the importance of knowledge production in cultural contexts.

We proceed by loosely following the policy cycle model (subsection 2.3), dividing the legislative process into agenda setting (section 3), policy formulation and decision-making (section 4), and policy implementation and (re)evaluation (section 5). The article finishes with an analysis (section 6) and conclusion (section 7).

2 Theory and method

Theoretical starting point of this article is the challenge of translating political claims into a legal rule. To enable cross-disciplinary reflection, we use the concept of knowledge translation (subsection 2.1). Methodologically, we combine interviews (subsection 2.2) with the study of the legislative process loosely based on the policy cycle model (subsection 2.3).

3 § 18 para. 3 Arbeitsschutzgesetz, herein: ArbSchG.

2.1 Knowledge translation

Translation as a concept and keyword has emerged in several disciplines (D'hulst/Gambier 2018: 85). In the early 2000s, it became an institutionalised concept in health studies, leading to the introduction of so-called knowledge translation (KT) (D'hulst/Gambier 2018: 85). KT plays a fundamental role in hegemonic discourses of global health as it entails the transfer of scientific knowledge across innumerable socio-cultural sites to target human bodies through medical practices and health policies (D'hulst/Gambier 2018: 87). Social sciences and humanities emphasise the importance of cultural contexts in KT processes of health policies production (Engebretsen et al. 2022: 29–30). The concept of KT, then, amounts to a critical reflection about what ought to be considered knowledge and evidence (ways of knowing) and how the cultural context actively shapes knowledge production (Engebretsen et al. 2022).

In our analysis of disciplinary translations, we use the concept of KT to trace how civil society actors, in particular labour unions, channel knowledge of occupational health problems into political and legal claims. Through this lens, we examine how the specific cultural context of precarity prevailing in slaughterhouse work directly affects knowledge production and thus attempts to regulate occupational health (infra subsection 3.2). We observe that political claims are based on the production of knowledge, specifically empirical descriptions of social phenomena. These empirical descriptions and knowledge production are already largely shaped by legal rules and legal practices leading to a hierarchy of knowledges (quantitative knowledge being of greater importance than qualitative knowledge), making it necessary to understand the legal framework and practices within which social interactions in slaughterhouses occur. Hence, political claims to change a specific social situation need to be translated into legal propositions: what would an improved "law in the books" look like for this situation, and how does this alter the "law in action" as experienced in social interactions (Pound 1910: 25)?

Using translation as a focal point allows us to observe both the dynamics of knowledge production and the shift in language from political to legal. Thus becomes apparent the need for disciplinary proficiency among those involved to ensure mutual understanding. While translation as a concept is relevant for analysing law from different origins (Mangold 2014), our focus is on knowledge translations between different disciplines. When examining a legislative process, we discover the autonomy of both legal language and legal processes ordering knowledge hierarchically. However, this legal autonomy is not to be understood as an abstraction from social reality, but rather as an argumentative form to channel social, economic and political claims. In illuminating these processes, the relevance of disciplinary and knowledge translations becomes visible.

2.2 Interviews

In assessing the role of civil society actors in the legislative process of the ArbSchKG, we conducted semi-structured in-depth interviews with two representatives of the specialised German Food, Beverages and Catering Union,[4] and one representative of the Faire Mobilität counselling centre for workers from Central and Eastern Europe. Faire Mobilität is partly funded by the German Trade Union Confederation[5]. Faire Mobilität is a union-oriented key partner of the NGG, particularly in gathering empirical evidence (knowledge production).

The interviews allow us to adequately analyse the complex policy processes. Semi-structured interviews enable researchers to understand policy processes by focusing on the perspectives of relevant stakeholders. Minichiello, Aroni, Timewell and Alexander (1995) argued that interviews are a favourable choice when it comes to bridging knowledge gaps, particularly regarding complex processes. Lynch (2013) added that interviews provide an avenue to acquire insights into the personal experiences and motivations of the interviewees that might not be accessible through public sources or merely through their answers in surveys or questionnaires. Interviews offer a level of understanding regarding opinions and thought processes that surveys often struggle to achieve. Moreover, interviews can supplement macro-level observations by offering micro-level perceptions of events or phenomena.

We selected interviewees based on their expertise. From the NGG, we interviewed the head of the legal department (herein: Interviewee A) and the head of the NGG's Berlin office (herein: Interviewee B). As a lawyer, interviewee A is involved in representing the union's legal claims and translating its social and political claims into legal language, including the NGG's interests during the legislative process of the ArbSchKG. Interviewee B, a political scientist represents the NGG in Berlin, particularly vis-à-vis members of parliament. Although interviewee B formally joined the NGG only after the ArbSchKG was enacted, they worked closely with the NGG during this period due to their previous position at the DGB. Finally, we interviewed a labour counsellor at Faire Mobilität (herein: Interviewee C). Interviewee C has a background in economics and counsels slaughterhouse workers in their language of origin. Interviewee C helped us to understand the process of gathering empirical evidence needed by labour unions to develop their claims.

4 Gewerkschaft Nahrung-Genuss-Gaststätten, herein: NGG.

5 Deutscher Gewerkschaftsbund, herein: DBG.

2.3 Policy cycle and the study of the legislative procedure

We examine state practice using methods from both law and political science to describe the legislative procedure leading to the enactment of the ArbSchKG, following Schulze-Fielitz (1988). We use a loosely chronological analysis of events following the policy cycle framework described by Jann and Wegrich (2006: 43). We focus on agenda-setting (subsection 3); policy formulation and decision-making (subsection 4); and implementation and evaluation (subsection 5). The German constitution only prescribes few procedural steps, mainly rights of participation (Hesse 1999: marg. no. 510). Violations of these rules may lead to the invalidity of a subsequent act. Such violations may be reviewed by the German Federal Constitutional Court,[6] as happened in our case, and a judicial decision gives legal validity to the policy decision (subsection 4.3).

The legislative procedure is also governed by internal procedural rules of the institutions involved. Apart from legal rules, we also identify common informal procedures during the legislative procedure. These informal procedures allow for coordination within parliament, or between federal government and state governments (Gallon 2023). Violations of informal procedure do not invalidate a draft bill nor do they lead to unconstitutionality of an act; therefore, they usually fall outside the interest of legal analyses. However, they are tremendously important for the political decision-making process, and thus warrant scrutiny.

For our analysis of the legislative procedure, we qualitatively evaluated approximately 100 different documents, originating from the German federal government and parliament, which the German federal government provided in response to requests based on the Federal Freedom of Information Act,[7] and from the NGG. These documents were keyworded according to sender, recipient, content and references to other documents. This allowed us to formulate hypotheses about political practices in informal negotiations that, in turn, shape the contents of the formalised legislative procedure.

3 Agenda setting: events leading to the ArbSchKG

We delineate the legal and practical situation in slaughterhouses prior to COVID-19 (subsection 3.1) and show how the NGG formulated political and legal claims

6 Bundesverfassungsgericht, herein: BVerfG.
7 Informationsfreiheitsgesetz, herein: IFG.

to address this situation (subsection 3.2). Only with major outbreaks of COVID-19, however, did these endeavours gain political momentum (subsection 3.3).

3.1 Root causes of the problems in slaughterhouses: contracts, practices and path-dependencies

German civil law distinguishes between contracts to produce a specific piece of work (*Werkvertrag*)[8] and labour contracts (*Arbeitsvertrag*).[9] Temporary agency work (*Leiharbeit*) is a special form of the *Arbeitsvertrag*.

The *Arbeitsvertrag* is the standard employment contract: an employee agrees to work "bound by instructions and determined by others in personal dependence."[10] An *Arbeitsvertrag* obliges the employee to spend time at work, regardless of work success. It obliges the employer to pay a contractually agreed salary;[11] a statutory minimum wage is legally prescribed.[12] What legally matters are the actual circumstances, not the wording of the contract.[13] An *Arbeitsvertrag* may exist even if the contract wording does not say so. *Arbeitsverträge* are strictly regulated by law, and for example occupational health and safety measures, a right to paid holidays and co-determination apply to an *Arbeitsvertrag* (Kamanabrou 2017: § 16 and §§ 32–34).

Leiharbeit, "lent work" in German[14], was developed under a three-party contract model to increase workforce flexibility (Kamanabrou 2017, marg. no. 207). Under *Leiharbeit*, a standard *Arbeitsvertrag* is concluded between an employee and an employer who then hires out the worker to a third party. The third party is entitled to instruct and receive work services from the employee, but their salary must be provided by the employer (Kamanabrou 2017, marg. no. 217). *Leiharbeit* allows for flexible use of a workforce and enables the employer and the third party to nebulise occupational health duties, particularly in the meat industry (Kohte/Raabe-Rosendahl 2020: 331–332). In 2010, the regulations for *Leiharbeit* were revised in European and national law, resulting in a highly complex, opaque and controversial area of labour law (Waltermann 2021, marg. no. 435).

8 Herein: Werkvertrag.
9 Herein: Arbeitsvertrag.
10 § 611a para. 1 sent. 1 German Civil Code (Bürgerliches Gesetzbuch; herein: BGB).
11 § 611a para. 2 BGB
12 § 1 para. 1 Minimum Wage Act (Mindestlohngesetz).
13 § 611a para. 1 sent. 5 BGB.
14 Herein: Leiharbeit.

German civil law also provides for a *Werkvertrag*. Here, the worker agrees to produce "a work",[15] owing successful completion of a work project – for instance, the carving of a pig. The employer is only obliged to pay contractually agreed remuneration if the worker successfully completes the job.[16] In contrast to regular employment, the *Werkvertrag* is only minimally regulated. The BGB mainly regulates issues of termination and non-performance or poor performance (Looschelders 2022: §§ 33–35).

Until the 1990s, workers in slaughterhouses usually had standard *Arbeitsverträge* (Schulten/Specht 2021: 36–37). In the explanatory memorandum to the ArbSchKG, BMAS assumes that the number of people ordinarily employed in the meat industry fell by 25 % between 1999 and 2019, while turnover rose by three quarters (BR-Drs. 426/20, 13–14). Interviewee B explained that *Werkvertrag* contracts were common in slaughterhouses, while *Leiharbeit* was prevalent in the meat processing sector.

Although employee contracts in the meat industry were called *Werkverträge*, legally most of them really were *Arbeitsverträge.* The workers holding these contracts should have benefited from strict labour law regulations, not least in occupational health and safety; in practice, however, the proper legal framework for employment contracts was not applied to precarious employment structures (Kohte 2021: 39).

As interviewees A and B explain, the use of *Werkverträge* in slaughterhouses turned out to be highly problematic for both slaughterhouse workers and labour unions. In particular, the responsibility for working conditions was diluted to the point of being legally indiscernible, especially in occupational health and safety. The interviews helped us to identify three reasons for this: (1) fragmentation of legal responsibility of a single corporate body into several subcontractors claiming responsibility only for a small number of workers – a setup that undermines the bargaining power of workers and labour unions; (2) poor corporate culture among subcontractors often offering verbal contracts instead of written ones. Also, many subcontractors simply ignore workers' claims because the workers themselves tend not to pursue legal action; and (3) structural disadvantages of slaughterhouse workers in factories with poor occupational health and safety standards (infra subsection 3.2.).

Some of these problems have been known to labour protection authorities since 2013 (Siekmeyer/Arndt-Zygar 2013: 21–24). Federal policymakers have tried different policy approaches to improve working conditions in slaughterhouses, with limited

15 § 631 para. 1 BGB.
16 § 631 para. 1 BGB.

success. In 2015, the meat industry signed a non-binding agreement with the Federal Ministry for Economic Affairs,[17] followed by the Act to Secure Workers' Rights in the Meat Industry, which was introduced in 2017.[18] In its original version, the Act introduced liability for social security contributions and formalised the obligation to provide certain work equipment free of charge and to pay wages in euros.[19] None of these policy approaches improved the working conditions in slaughterhouses (Hans-Böckler-Stiftung 2019; Kohte/Rabe-Rosendahl 2020: 330; Schulten/Specht 2021: 38; Kohte 2021: 38). In 2019, the occupational health and safety authorities in NRW[20] under Minister Karl-Josef Laumann (Christian Democratic Union[21]) carried out a special slaughterhouse control programme (MAGS NRW 2019). In 30 in-depth controls, public authorities investigated roughly 8,752 legal violations, more than 2,400 of which represented violations of occupational health and safety standards (MAGS NRW 2019: 6). The authorities identified the pervasive use of *Werkverträge* (MAGS NRW 2019: 10) as the main reason for violations.

3.2 Knowledge production and translations into legal claims

The NGG pushed for legal changes. For labour unions, the process of translating political claims into legal claims starts with the realisation that the "law in the books" and the "law in action" may differ, and such a difference can only be proven through empirical evidence (interviewee A). Our study shows that only empirical evidence (knowledge production) has sufficient leverage to ensure more vigilant oversight and enforcement of existing laws or create better, more problem-focused legislation. Knowledge production is already shaped by legal rules, which implies the existence of underlying knowledge and disciplinary translation mechanisms. As interviewee A noted, documenting the presence of irregularities in social reality requires describing the (non)implementation of existing laws. The interviews identified two main dynamics that hindered labour unions' knowledge production about grievances in slaughterhouses: first, the specific profile of slaughterhouse workers, who face structural disadvantages making them a particularly vulnerable group; second, the specific legal construction of the *Werkvertrag* and *Leiharbeit*, which are particularly vulnerable to employer malpractice (supra 3.1).

17 Bundesministerium für Wirtschaft, herein: BMWi.

18 Gesetz zur Sicherung von Arbeitnehmerrechten in der Fleischindustrie (BGBl. I 2541), herein: GSA Fleisch.

19 §§ 3–5 GSA Fleisch.

20 Nordrhein-Westfalen, herein: NRW.

21 Christlich Demokratische Union, herein: CDU.

Most slaughterhouse workers in Germany come from Eastern Europe (interviewees A and C). A workforce of mainly migrants coupled with precarious working conditions places workers at a structural disadvantage. This hampers the knowledge production of labour unions. Structural disadvantages include (1) language barriers, (2) specific culture-related attitudes towards labour unions and (3) state institutions as well as (4) a fragmentation of the workforce due to high fluctuation. The language barrier prevents workers from directly communicating any grievances or problems to employers, labour authorities or support structures. As interviewee A explained, the language barrier impedes labour unions' efforts to reach workers and report their problems. All interviewees explained that dysfunctional or non-existent labour union representation in workers' home countries tends to breed mistrust towards German unions. Thus, many workers refrain from joining a labour union. Those who do take such action often hesitate to fully disclose their grievances, fearing repercussions. Regarding cultural attitudes towards state institutions such as courts, workers who feel that their only recourse is through the judicial system often choose not to follow through with their claims, perceiving courts as intimidating and inaccessible institutions (interviewee C). Finally, constant workforce flux in slaughterhouses and the resultant fragmentation of the workforce pose a significant challenge for both workers and union representation. The precarious working conditions in slaughterhouses cause most employees to seek other work elsewhere within a short time, preventing long-term cooperation among workers. This dynamic hinders slaughterhouse workers – and labour unions representing them – from building bargaining power in negotiations with employers and in legislative procedures (interviewees B and C).

The legislative procedure leading to the ArbSchKG was built on years of groundwork by labour unions, civil society and public authorities. Such preparatory work is rooted in knowledge production about grievances and formulating legal demands for either improved implementation and monitoring of existing laws (*de lege lata*) or for the establishment of new laws (*de lege ferenda*). The NGG had been reporting on the abuses in slaughterhouses for years without success (interviewees A and B). However, the outbreak of COVID-19 in slaughterhouses provided the NGG with a window of opportunity to amplify its claims to both the public and policymakers. Thus, it was necessary to formulate political claims that would resonate with society, argumentatively based on lack of oversight of existing law and the need for new regulation. Therefore, it was important not only to provide disciplinary translations but also to translate empirical findings and political claims into an accessible language that could fuel public discussion (interviewee A).

3.3 Political momentum: major outbreaks of COVID-19

In early May 2020, multiple outbreaks of COVID-19 in industrial slaughterhouses in Germany drew attention to the appalling working conditions in slaughterhouses, sparking the necessary political momentum to introduce a new law. At that time, the federal government was still seeking to control the pandemic within the workforce through non-binding soft law measures (Creutzburg et al. 2020). As further outbreaks occurred, regulating working conditions in slaughterhouses became a priority and was seen as an integral part of broader pandemic control measures in the workplace.

During this period, labour unions and industry associations engaged in intense lobbying efforts. As the political opportunity arose, the NGG quickly set up a crisis team, internally and externally, mainly with partners such as Faire Mobilität and the DGB. On 12 May 2020, the NGG sent a letter to all members of parliament and responsible ministries, outlining the issues faced by workers in slaughterhouses and advocating for a ban on *Werkvertrag* contracts in that sector (BMAS 2020a: 3–4). Subsequently, several informal meetings took place with members of parliament and government representatives.

On 13 May 2020, the events morphed into political action as parliament deliberated over working conditions in slaughterhouses. During this initial debate, both coalition and opposition MPs began using legal terminology to describe the legal relationships between employers and workers. During a regular government enquiry, Chancellor Angela Merkel (CDU) announced the federal government's intention to implement changes in the legal framework which Hubertus Heil (Social Democrats[22]), head of BMAS and the responsible minister, would present the following week (BT-Plenarprotokoll 19/159: 19697). Later that day, parliament again addressed the topic in a special session (BT-Plenarprotokoll 19/159: 19721), highlighting its political importance. The debate focused on workers' accommodation and precarious working conditions, along with the legal relationships between workers and employers. Minister Heil (SPD) proposed tightening the legal framework to prevent using *Werkverträge* to circumvent labour protections (BT-Plenarprotokoll 19/159: 19726). While the opposition campaigned for stricter regulations (BT-Plenarprotokoll 19/159: 19728, 19730, 19733), MPs from the conservative government coalition parties expressed their disagreement (BT-Plenarprotokoll 19/159: 19723, 19729, 19734, 19732).

A week after the commencement of the political debate, BMAS presented a policy paper entitled "Programme for Safe Working Conditions in the Meat Indus-

22 Sozialdemokratische Partei Deutschlands, herein: SPD.

try"[23] (BMAS 2020). The programme proposed a formal ban on *Werkverträge* and *Leiharbeit* for companies in the meat industry. This cabinet decision garnered immediately attention in media and legal literature (Bayreuther 2020: 773), indicating significant public interest in the unfolding political process. The NGG again wrote to Minister Heil, expressing its support for the proposed amendments, offering assistance in drafting a legally sound bill and providing sector-specific information (BMAS 2020a: 5).

Lobbying was unrelenting in the weeks that followed, but interactions with policymakers were unevenly distributed. While labour unions primarily engaged with BMAS, industry associations also liaised with the BMWi and the Federal Ministry of Food and Agriculture[24] (BT-Drs. 19/22997: 9–12). On 18 May 2020, the Meat Industry Association[25] suggested some minor changes in the legal framework, which included enhancing social security for employers offering *Leiharbeit* contracts and setting requirements for worker accommodation (VDF 2020).

4 Policy formulation and decision-making: the ArbSchKG legislative procedure

Looking at the policy cycle from a legal point of view, drafting a bill amounts to policy formulation (subsection 4.1), while several steps within the legislative procedure equate to decision-making (subsection 4.2). In Germany, challenging an act before the BVerfG can lead to its invalidation; hence, we refer to the rejection of unconstitutional claims as "legal validation" (subsection 4.3). To shed light on this typically opaque process, we examine its complexities, including the myriad societal actors involved, thus contextualising the efforts of the NGG and the DGB. The legislative procedure leading to the enactment of the ArbSchKG was completed at the end of December 2020, with the promulgation of the act in the Federal Law Gazette.[26] The entire legislative process took under eight months.

During legislation, the NGG was heavily involved in public relations work, for which they needed linguistic flexibility to translate claims into various disciplinary languages. Strategic communication allowed them to defend a unified and coordinated stance towards policymakers. The NGG and its partners had to draft precise papers in a very short time, and also to evaluate and to counter-argue (interviewee B).

23 "Arbeitsschutzprogramm für die Fleischwirtschaft".

24 Bundesministerium für Ernährung und Landwirtschaft, herein: BMEL.

25 Verband der Fleischwirtschaft, herein: VDF.

26 Bundesgesetzblatt, herein: BGBl.

4.1 Policy formulation: drafting the bill

The preparation of a draft bill can be divided into several phases (Busse 2010: 225–230; Smeddinck 2006: 158). Predominantly the federal government drives the drafting of legislative proposals (Deutscher Bundestag 2022: Kap. 10.1; Gallon 2023). The drafting process is not constitutionally formalised. Government actions are organised by federal procedural rules, mainly the Rules of Procedure of the Federal Government[27] and the Joint Rules of Procedure of the Federal Ministries[28] (Busse 2018, Einleitung Rn. 10–12). The importance of these rules varies: some procedures and bodies are not fully legally constituted (Seckelmann 2021: 80–83), some provisions are not fully implemented in everyday government practice (Smeddinck 2006: 159–176).

The phases of drafting roughly mirror phases of a policy cycle: political momentum (agenda setting), development of a draft bill by the responsible ministry in charge (policy formulation), consultancy with the public, special interest groups and the Länder as well as political coordination inside the federal government and with parliamentary groups. At the end of a drafting process, cabinet reaches a decision (first decision-making).

Following the political momentum phase (subsection 3.3), a draft bill is developed by the responsible ministry. A draft usually proposes legal amendments, already in the form of a legal text that could be promulgated in the BGBl, supported by a non-binding explanatory memorandum. In the case of the ArbSchKG, BMAS prepared the draft. To coordinate the process, a steering committee was set up within the federal government, its members included the Chancellery,[29] the Ministry of Finance,[30] the BMWi, the BMEL, the Ministry for Health,[31] the Ministry of Justice[32] and the Ministry of the Interior[33] (BMAS 2020b: 5). As legally required,[34] an exchange with Länder governments took place (BT-Drs. 19/22997: 9 et seq.). The draft was presented to the public on 21 July 2020, two months after the first cabinet decision.

The draft contained a comprehensive ban on *Leiharbeit* and *Werkverträge* in the meat industry. The explanatory memorandum of the draft relied heavily on

27 Geschäftsordnung der Bundesregierung.
28 Gemeinsame Geschäftsordnung der Bundesministerien, herein: GGO.
29 Bundeskanzleramt.
30 Bundesministerium der Finanzen.
31 Bundesministerium für Gesundheit.
32 Bundesministerium der Justiz.
33 Bundesministerium des Inneren und für Heimat.
34 § 47 para. 1 GGO.

empirical findings to explain the importance of the ban (BMAS 2020c). From a constitutional perspective, such argumentation was important to justify the need to encroach on employers' fundamental rights, which later was reviewed by the BVerfG. In explaining the general situation, the draft bill referred to the empirical findings of the Occupational Safety and Health Administration on violations in NRW, and to other empirical descriptions of the labour structure in the meat industry (BMAS 2020c: 18–22). For a description of employees' working conditions, the ministry referred to findings of Faire Mobilität and the Employers' Liability Insurance Association (*Berufsgenossenschaft*) (BMAS 2020c: 23).

Government documents show that several civil and industrial associations contacted the ministry during the drafting phase (BT-Drs. 12/22297). Minister Heil discussed the planned new regulation with the DGB (BMAS 2020b). Even before publication of the draft and the official consultation process, an association of Bavarian butchers with the help of a law firm submitted a statement on the allegedly constitutionally required exclusion of artisan butchers from the planned regulation (BMAS 2020d).

Legal analysis of the documents shows that a possible constitutional review by the BVerfG already had an impact during the drafting phase. Parliament's Scientific Service was commissioned to prepare an expert legal opinion. By mid-June 2020, its assessment identifying no fundamental constitutional problems had been published (Deutscher Bundestag 2020). The Ministry of Labour, Health and Social Affairs of NRW[35] commissioned a law professor to analyse several issues of constitutionality of the proposed ban. The assessment was published in July 2020, arguing for constitutionality of the ban (Deinert 2020).

After the draft is prepared by the responsible ministry, an official public consultation regularly follows.[36] BMAS published the draft in July 2020 and consulted several civil society actors, with only one day as deadline to respond (BT-Drs. 19/22997: 11). More than 20 associations submitted comments, including some which had not been directly invited. Larger associations, such as the Confederation of Germans Employers' Association[37] (BMAS 2020e), commented on various legal aspects of the bill, while smaller ones like the Federal Employers' Association of Personnel Service Providers[38] (BMAS 2020 f) only commented on the wording of the explanatory memorandum. Other industry associations, representing bakers (BMAS 2020g) or the construction industry (BMAS 2020h), sharply criticised the draft bill, possibly due to its potential to serve as a legislative blueprint. The NGG

35 Ministerium für Arbeit, Gesundheit und Soziales des Landes NRW, herein: MAGS NRW.

36 § 47 para. 3 GGO.

37 Bundesvereinigung Deutscher Arbeitgeberverbände, herein: BDA.

38 Bundesarbeitgeberverband der Personaldienstleister.

welcomed the draft but argued for stricter regulation of artisan butchers (BMAS 2020i). The DGB commented more comprehensively on the draft (BMAS 2020j). The proposed comprehensive ban met with opposition within the coalition, especially from Christian Social Union[39] representatives who contacted BMAS to argue for softer regulations and major exceptions (BMAS 2020k).

The specialised form and legal language of the draft requires special legal capabilities and knowledge already during this initial stage of public deliberation. The legal language of the comments varies. Short deadlines require legally trained personnel to comment on a draft bill. Commentators need to understand the legal language of the draft, identify the legal changes and their societal implications, compare the proposals with the policy of the association, formulate their own position and relate it to the draft.

The responsible ministry is also obligated to formally involve the other federal ministries.[40] BMAS executed this process simultaneously to the public consultation, setting also a deadline of slightly more than a day. The Federal Ministry for Justice commented on the legal technique of the draft bill (BMAS 2020l). Several Ministries led by CDU and CSU ministers argued that artisan butchers should be exempt from the new regulation of the meat industry and the ban on *Leiharbeit* (BMAS 2020l).

Within a week, BMAS had processed these comments. Industrial associations continued with their lobbying efforts. Head of BMWi Peter Altmaier (CDU) sent Minister Heil (SPD) a letter outlining his concerns based on "critical feedback" on the *Leiharbeit* ban and the definition of artisanal butchers (BMAS 2020l). A similar letter arrived from the BMEL (BMAS 2020l). Minister Altmeier (CDU) also conducted a telephone conference with the BDA and a conservative labour law professor (BT-Drs. 19/22997). It was not possible to reconstruct the final informal compromise-finding process between BMAS, BMWi and BMEL in late July 2020. However, during these days, the draft bill was amended in preparation for the cabinet meeting in late July 2020 (BMAS 2020n). Among other things, a transitional regulation for the continued use of *Leiharbeit* until 1 April 2021 was introduced. In addition, the scope of application of the ban was reduced for artisanal butchers. The amended draft was passed by the federal cabinet on 29 July 2020, marking the end of the first phase of the legislative process.

39 Christlich-Soziale Union, herein: CSU.

40 § 45 para. 1 GGO.

4.2 Decision-making: legislative procedure

The constitutionally formalised legislative procedure starts with formal introduction of the bill, Art. 76 para. 1 Basic Law[41]. In early August 2020, Olaf Scholz (SPD), the Vice Federal Chancellor, formally sent the bill to the Federal Council[42] (BR-Drs. 426/20). After receipt of a bill, the Bundesrat can comment on it.[43] The federal government marked the bill as urgent, initiating a three-week deadline for the Federal Council's comments before the bill could be sent to parliament.[44] In September 2020, the Federal Council exercised its constitutional right to comment and propose amendments (BRat-Drs. 426/20). At that time, parliament had already begun its internal legislative procedure. The ArbSchKG had been formally introduced by Chancellor Angela Merkel (CDU) on behalf of the German federal government to the German Parliament in late August 2020 (BT-Drs. 19/21978: 7).

Parliament is the major legislative body under the German constitution (Art. 77 para. 1 GG). Parliamentary procedure is only partly formally constitutionalised, mainly concerning the vote at the end of the procedure (Reimer 2019: 85–87; Gallon 2023). The steps and procedures before the final vote are governed by the legal rules of parliamentary procedure. In general, a bill is referred to a committee after the first plenary reading. The first plenary reading of the ArbSchKG took place in mid-September 2020, with a speech by Minister Heil (SPD) and a debate lasting for an hour (BT-Plenarprotokoll 19/173: 21648–21666), illustrating the great political importance attributed to the ArbSchKG. Later, the bill was referred to several standing parliamentary committees. The Committee on Labour and Social Affairs was appointed as lead committee.

The Committees immediately began their work in which social society actors were heavily invested. In early October 2020, the Committee on Labour and Social Affairs held a public hearing with five male law professors and representatives of two labour unions and three industrial associations (BT-Ausschussdrs. 19[11]778). Three law professors argued in favour of the constitutionality of the draft, one had some "political and regulatory concerns" and one held the law to be unconstitutional (BT-Ausschussdrs. 19[11]779). Seven industrial associations, including the VDF, sent their comments without being asked to do so (Bundestag 2020). All these associations lobbied against the prohibition of *Werkvertragsarbeit* and *Leiharbeit* in the meat industry, some arguing the unconstitutionality of the proposed amendments.

41 Grundgesetz, herein: GG.
42 Bundesrat.
43 Art. 76 para. 2 sent. 2 GG.
44 Art. 76 para. 2 sent. 4 GG.

Even the Federal Solicitors' Association[45] gave its opinion expressing "constitutional concerns" (BT-Ausschussdrs. 19[11]782). The NGG argued for the constitutionality of the amendments, campaigning for a stricter determination of artisanal butchers and a comprehensive ban on *Leiharbeit* (BT-Ausschussdrs. 19[11]767). In this hearing, the NGG was particularly asked for empirical data. The NGG had general knowledge but few statistics to present. To highlight the conditions, the NGG referred to data collected by Faire Mobilität and the control study in NRW (interviewee A).

In the following weeks, the draft law was negotiated in different parliamentary committees. In informal procedures, the coalition parties agreed on amendments to the government bill. Opposition parties presented their own proposals for amendments, without success (BT-Drs. 19/25141: 24). In late October 2020, the chairman of the NGG sent a letter to all Members of Parliament belonging to CDU/CSU, arguing for the prohibition of *Leiharbeit* in the meat industry (NGG 2020). Finally, in December 2020, the coalition parliamentary groups agreed on amendments to the bill. The ban on *Leiharbeit* was softened. It should be allowed if it was foreseen in a collective agreement and did not exceed 8 % of the total working time volume. The Committee on Labour and Social Affairs decided on these amendments at its meeting in the second week of December 2020 (BT-Drs. 19/25141: 21) and proposed them to the plenary (BT-Drs. 19/25141).

After these negotiations ended, the rest of the legislative procedure held no surprises. In a named vote in the middle of December, the law was passed by parliament (BT-Plenarprotokoll 19/201: 25258–25261). The president of the parliament forwarded the law immediately to the Federal Council (BRat-Drs. 745/20). The ArbSchKG required approval by the Federal Council according to Art. 87 para. 3 sent. 3 GG. After the political compromise with CDU/CSU to ban *Leiharbeit*, the NGG foresaw a majority in the Federal Council and did not campaign further (interviewee B). Then, the ArbSchKG was approved. The Act was certified by the Federal President just before Christmas 2020 in accordance with Art. 82 para. 1 GG, and promulgated one day before New Year's Eve 2020 (BGBl. I 3334), entering into force on 1 January 2021.

4.3 Legal validation: judicial review at the federal constitutional court

Under German constitutional law, the BVerfG can declare a law null and void if it violates fundamental rights. Slaughterhouse owners and operators perceived their

45 Bundesrechtsanwaltskammer.

fundamental rights as being violated. The constitutional complaints had been argumentatively prepared since the original idea of the regulation was presented in May 2020. Both in opinions of the employer-affiliated associations and in legal literature, arguments were exchanged about the constitutionality of the new regulations (see Bayreuther 2020: 773; Boemke et al. 2020: 1160; Kohte/Raabe-Rosendahl 2020). By the end of December 2020, the BVerfG had already dismissed six interim complaints to suspend the entry into force of the ArbSchKG (B. v. 29.12.2020, 1 BvQ 152/20 u. a.). A chamber of the court did not hold that the constitutional requirements to suspend the act's entry into force were fulfilled. Despite the significant impact on the business models of temporary employment agencies and slaughterhouses, the protective interests pursued by the legal regulation were judged to outweigh them (BVerfG, B. v. 29.12.2020, 1 BvQ 152/20 u. a.: marg. no. 33). In June 2022, the BVerfG ruled in the main proceedings, rejecting the complaints on procedural grounds (BVerfG, B. v. 01.06.2022, 1 BvR 2888/20 u. a.: marg. no. 27 f.).

5 Policy implementation and (re)evaluation

The ArbSchKG changed the "law in the books" and, thus, how this policy was to be "implemented" (subsection 5.1). It remained of dubitable impact as "law in action" (subsection 5.2), with arguably only a minimal impact on the reality in slaughterhouses. Such a (re)evaluation means that the start of a new policy cycle is already visible on the horizon.

5.1 Law in the books: the ArbSchKG

The ArbSchKG introduced a comprehensive ban on the use of *Werkverträge* in larger (more than 49 workers) companies in the meat industry.[46] Since April 2021, the use of *Leiharbeit* is limited to certain cases.[47] These bans only apply to the core area of slaughterhouses, with the federal customs administration[48] being responsible for monitoring their implementation.[49] The prohibition of *Leiharbeit* and *Werkverträge* now obliges companies to sign standard employment contracts with their staff. Consequently, core working areas in slaughterhouses are now fully pro-

46 §§ 6a para. 2 in conjunction with § 2 para. 2 GSA Fleisch.
47 § 6a para. 3 GSA Fleisch.
48 Bundeszollverwaltung, herein: Zoll.
49 § 6b para. 1 GSA Fleisch.

tected by statutory occupational health and safety rules (Kohte 2021: 41). Moreover, the ArbSchKG includes minimum inspection quotas for occupational health authorities and a general competence[50] for BMAS regarding COVID-19 regulation. From January 2021 to May 2022, BMAS enacted several SARS-CoV-2 occupational health and safety regulations.[51]

5.2 Law in action

The assessment of the ArbSchKG hinges on its implementation. The legal base for general occupational health and safety measures in the workplace regarding COVID-19 has played a decisive role for pandemic control (Schlegel 2022: marg. no. 62–64). The ArbSchKG itself obliges BMAS to evaluate the effectiveness of the ban on *Werkverträge* and *Leiharbeit* in slaughterhouses and the exceptions for artisanal butchers in 2023.[52] The responsible administration explained that several proceedings (63 in 2021; 42 until November 2022) had already been initiated due to violations of the ArbSchKG. Controlling the implementation of the ArbSchKG is part of regular controls within the meat industry (707 controls in 2021; 565 controls until November 2022).

Our interviewees pointed to the importance of implementing law. “You don’t change a law and that makes the world good” (interviewee B). As all interviewees pointed out, late 2022 was still too early to definitively assess the ArbSchKG in action. Nevertheless, the interviewees make two key observations. First, the new legislation appears to have addressed the core issue regarding legal responsibilities for occupational health and safety of slaughterhouse workers. With the ban on *Werkverträge* and *Leiharbeit*, the meat industry is now directly responsibility for its workers (interviewees A and B). If a worker is harmed on the job, it is now clear who the employer is (interviewees A and C). This clarity enables a straightforward determination of the employer’s legal responsibility without the confusion of subcontractors. These changes mean that basic work rules have also been set for slaughterhouse workers (interviewee A). Second, the ArbSchKG has not resolved all structural problems. One of these is workers’ dependency on the foremen, a problem not addressed in the ArbSchKG. As interviewees A, B and C explain, foremen play a central role as linguistic, cultural and administrative intermediaries between employers and employees. Under the former legal construction

50 § 18 para. 3 ArbSchG.
51 SARS-CoV-2 Arbeitsschutzverordnung.
52 § 8 GSA Fleisch.

of *Werkverträge* und *Leiharbeit*, foremen served as intermediaries both in practice and in law. This created negative dependencies that still exist today (interviewee B).

6 Analysis

Legislative procedure is a political process embedded within a legally formalised framework. From the beginning, this procedure is characterised by its high degree of reliance on legal language as *lingua franca*. To effectively participate in a legislative procedure, civil society actors need to understand the relevant political and legal structure. Participation requires high levels of specialisation and resources. Constitutional arguments play a particularly important role, as they can be used already in the legislative procedure, threatening eventual constitutional review by the BVerfG.

During the legislative procedure, civil society actors can discuss and influence the subsequent law, ultimately shaping social reality. Formalised procedures support the efficient participation of these actors. During the legislative procedure for the ArbSchKG, such participation appears to have been highly reliant on existing networks and on the capability both to comprehend legal amendments and to translate political claims into legal language. Furthermore, the responsible ministry plays a decisive role in shaping legislation during the drafting process. As the responsible ministry was SPD-led, labour unions were heavily involved, while central players in the meat industry had to find other ways into the political negotiations. The legislative procedure was characterised by a conflict between labour unions and industry federations, who campaigned for and against regulation, respectively. To some extent, this conflict was mirrored within the government coalition itself, as the CDU/CSU initially opposed the regulation favoured by the SPD. The legislative procedure was led by Minister Heil (SPD), who personally participated in all parliamentary debates. In a remarkable instance of actions contradicting political affiliation, Minister Heil was supported by the head of MAGS NRW Laumann (CDU), who had laid the empirical foundation in previous years and prepared the legal discourse by commissioning an expert opinion parallel to the federal legislative procedure.

The political momentum for these legal changes depended on preparatory work and availability of knowledge production and knowledge translation by several actors. A critical factor during the legislative hearing was the ability of the NGG to accurately describe the working conditions of slaughterhouse workers (knowledge production). The NGG had collected empirical evidence and could translate the structural problems identified in a way that facilitated their formulation as legal amendments.

In our study, we observed that acknowledging a problem is not enough to bring about change. Rather, it is necessary to also empirically demonstrate the systematic and widespread nature of such malpractice. For the former, qualitative empirical evidence is needed; for the latter, quantitative data is required. To legally justify special treatment of the meat industry in comparison to other industries, the explanatory memorandum from BMAS substantiated the amendment based on quantitative empirical evidence. During its preliminary constitutional review, the BVerfG acknowledged this justification based on quantitative data (B. v. 29.12.2020 – 1 BvQ 152/20, marg. no. 31).

The skills to produce quantitative knowledge are, however, typically to be found among institutionalised stakeholders and highly unusual in the specific cultural context of precarity prevailing in slaughterhouses work. The concept of knowledge translation enabled us to identify the importance of cultural contexts across disciplinary translations. Disadvantaged groups, like migrant workers in slaughterhouses, face structural difficulties when it comes to knowledge production about their situation. Language barriers and a lack of understanding of state and social institutions, such as courts or labour unions, hinder these workers in effectively communicating their situation. The use of *Werkverträge* and *Leiharbeit* in the meat industry hindered the traceability of legal responsibility, complicating attribution of malpractice and, thus, production of quantitative knowledge. For many years, the NGG faced major problems in gathering sufficient empirical evidence about malpractice in slaughterhouses.

7 Conclusion

While this article highlights legal language as the *lingua franca* in the legislative procedure, the existence and importance of other disciplinary languages in efforts to pave the way for legal change is immense. The need for knowledge production, both qualitative and quantitative, and knowledge translation shaped by specific cultural contexts is equally vital. Describing and forecasting macroeconomic phenomena, which is not emphasised in this article, are also both important for political discourse and legislation. Law as *lingua franca* must channel the interests, values and needs of various social realities into the legislative procedure. Integrating these perspectives is a major source of legitimacy of deliberative democracy; therefore, the legal system must perceive them in their complexity. Each disciplinary language comes with its own vocabulary, grammar rules and conventions, disciplinary logic and discourses, which must be processed and translated into legal language during legislative procedures. Such translations follow their own protocols within the leg-

islative procedure and require an interdisciplinary approach. This holds true both for those who participate in the legislative procedure and for those who study it, and that is why we argue for the importance of interdisciplinarity in the study of the translation mechanisms in legislative procedures.

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Sources

BMAS (2020a): Correspondence BMAS and NGG, 01/05/2020 to 29/07/2020, based on IFG enquiry: www.fragdenstaat.de/anfrage/kontakte-und-stellungnahmen-im-zusammenhang-mit-den-arbeitsbedingungen-in-der-fleischindustrie-2020-arbeitsschutzkontrollgesetz/753592/anhang/ngg.pdf.

BMAS (2020b): Correspondence BMAS and DGB, 01/05/2020 to 29/07/2020, based on IFG enquiry: www.fragdenstaat.de/anfrage/kontakte-und-stellungnahmen-im-zusammenhang-mit-den-arbeitsbedingungen-in-der-fleischindustrie-2020-arbeitsschutzkontrollgesetz/753592/anhang/fachaustausch-s2-dgb.pdf.

BMAS (2020c): Gesetz zur Verbesserung des Vollzugs im Arbeitsschutz. Referentenentwurf: www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Referentenentwuerfe/ref-arbeitsschutzkontrollgesetz.pdf.

BMAS (2020d): Correspondence BMAS and Fleischerverband Bayern 2020: 01/05/2020 to 29/07/2020, based on IFG enquiry: www.fragdenstaat.de/anfrage/kontakte-und-stellungnahmen-im-zusammenhang-mit-den-arbeitsbedingungen-in-der-fleischindustrie-2020-arbeitsschutzkontrollgesetz/753592/anhang/landesinnungsverband-fuer-das-bayerische-fleischerhandwerk-mdb.pdf.

BMAS (2020e): Stellungnahme der Bundesvereinigung der Deutschen Arbeitgeberverbände (BDA), www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Stellungnahmen/arbeitsschutzkontrollgesetz-bda.pdf.

BMAS (2020 f): Stellungnahme des Bundesarbeitgeberverbandes der Personaldienstleister e.V., www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Stellungnahmen/arbeitsschutzkontrollgesetz-bap.pdf

BMAS (2020g): Stellungnahme des Zentralverbands des Deutschen Bäckerhandwerks e. V., www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Stellungnahmen/arbeitsschutzkontrollgesetz-zentralverband-des-deutschen-baeckerhandwerks.pdf

BMAS (2020h): Stellungnahme des Zentralverbands des Deutschen Baugewerbes, www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Stellungnahmen/arbeitsschutzkontrollgesetz-zdb.pdf

BMAS (2020i): Stellungnahme der Gewerkschaft Nahrung Genuss Gaststätten, www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Stellungnahmen/arbeitsschutzkontrollgesetz-ngg.pdf
BMAS (2020j): Stellungnahme des Deutschen Gewerkschaftsbundes, www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Stellungnahmen/arbeitsschutzkontrollgesetz-dgb.pdf
BMAS (2020l): Correspondence BMAS and Federal Ministries during the official consultation process, based on IFG enquiry: https://fragdenstaat.de/a/265860
BMAS (2020m): Correspondence BMAS and Bundeskanzlerlamt, based on IFG enquiry: www.fragdenstaat.de/anfrage/referentenentwurf-arbeitsschutzkontrollgesetz-in-vorherigen-fassungen-stellungnahme-eines-anderen-bundesministeriums-zur-aenderung-des-referentenentwurfes/765054/anhang/mail-von-bk-anmerkungen.pdf
BMAS (2020n): Gesetz zur Verbesserung des Vollzugs im Arbeitsschutz. Regierungsentwurf. 29/07/2020: https://www.bmas.de/SharedDocs/Downloads/DE/Gesetze/Regierungsentwuerfe/reg-arbeitsschutzkontrollgesetz.pdf.
Deinert, Olaf (2020): Womit kann begründet werden, dass Werkverträge und Arbeitnehmerüberlassung nur in der Fleischindustrie verboten werden können?, 15/7/2020: www.mags.nrw/sites/default/files/asset/document/20200715_gutachten_deinert_werkvertraege_fleischindustrie.pdf.
Deutscher Bundestag (2020): Verfassungsrechtliche Aspekte eines Verbots von Werkverträgen und Leiharbeit in der Fleischwirtschaft, WD 6 – 3000 – 053/20, 17/06/2020.
Deutscher Bundestag (2022): *Datenhandbuch zur Geschichte des Deutschen Bundestages*, 20/05/2022: https://www.bundestag.de/datenhandbuch (23/01/2023).
Hans-Böckler-Stiftung (2019): Branchenmonitor Schlachten und Fleischverarbeitung, Düsseldorf: Hans-Böckler-Stiftung.
MAGS NRW (2019): Überwachungsaktion. “Faire Arbeit in der Fleischindustrie”. Abschlussbericht, Düsseldorf: MAGS NRW.
NGG (2020): Arbeitsschutzkontrollgesetz: Leiharbeit, Brief an die Abgeordneten der CDU/CSU Bundestagsfraktion vom 20/10/2020.
VDF (2020): Fleischwirtschaft legt der Bundesregierung 5-Punkte-Plan vor, 18/05/2020: www.v-d-f.de/news/pm-20200518-0137.

References

Bayreuther, Frank (2020): “Verbot von Werkverträgen und Arbeitnehmerüberlassung in der Fleischwirtschaft”, *Neue Zeitschrift für Arbeitsrecht 37*: 773–776.
Boemke, Burkhard; Düwel, Josef; Greiner, Stefan; Hamann, Wolfgang; Kalb, Heinz-Jürgen; Kock, Martin; Mengel, Anja; Motz, Guido; Schüren, Peter; Thüsing, Gregor; Wank, Rolf (2020): “Das Verbot der Arbeitnehmerüberlassung in der Fleischwirtschaft. Der falsche Weg zum richtigen Ziel”, *Neue Zeitschrift für Arbeitsrecht 37*: 1160–1166.
Busse, Volker (2010): Regierungsinternes Gesetzesvorbereitungsverfahren, in: Klemens H. Schrenk; Markus Soldner (eds.): *Analyse demokratischer Regierungssysteme*. Wiesbaden: Springer, 221–236
Busse, Volker (2018): *Geschäftsordnung der Bundesregierung*, 3. Online-Ed., Baden-Baden: Nomos.
Creutzburg, Dietrich; Schubert, Christian; Piller, Tobias (2020): “Abstand halten, lüften, Geländer putzen”, *Frankfurter Allgemeine Zeitung* 05.05.2020: 18.

D'hulst, Lieven; Gambier, Yves (eds.) (2018): *A History of Modern Translation Knowledge*. Amsterdam: John Benjamins Publishing Company.

Engebretsen, Eivind; Umachandran, Priya; Ødemark, John; Greenhalgh, Trisha (2022): *In what ways do cultural contexts influence the knowledge translation process for health decision-making and what are the implications for policy and practice?* Health Evidence Network Synthesis Report 76, Copenhagen: WHO Regional Office for Europe.

Gallon, Johannes (2023): "Gesetzgebung in der Krise", in: Indra Spiecker genannt Döhmann; Andrea Kießling (eds.): *Die Kunst der Gesetzgebung*. Bern: Peter Lang, forthcoming.

Hesse, Konrad (1999): *Grundzüge des Verfassungsrechts der Bundesrepublik Deutschland*, 20. ed, Heidelberg: C.F. Müller.

Jann, Werner; Wegrich, Kai (2006): "Theories of the Policy Cycle", in: Frank Fischer; Gerald J. Miller (eds.): *Handbook of Public Policy Analysis*. Baton Rouge: Taylor & Francis, 43–62.

Kamanabrou, Sudabeh (2017): *Arbeitsrecht*, Tübingen: Mohr Siebeck.

Kohte, Wolfhard; Rabe-Rosendahl, Cathleen (2020): "Zerlegung des Arbeitsschutzes durch Werkverträge", *Zeitschrift für Arbeitswissenschaft* 74: 328–338.

Kohte, Wolfhard (2021), "Integrativer Arbeitsschutz in der Fleischwirtschaft", *Arbeitsschutz in Recht und Praxis 2*: 37–41.

Looschelders, Dirk (2022): *Schuldrecht BT*, 17. ed., München: Vahlen.

Lynch, Julia F. (2013): "General Considerations: Research Design, Ethics, and the Role of the Researcher", in: Lana Mosley (ed.): *Interview Research in Political Science*. New York: Cornell University Press, 31–44.

Mangold, Anna Katharina (2014), "The Persistence of National Peculiarities", *Indiana Journal of Global Legal Studies 21*: 223–261.

Minichiello, Victor; Aroni, Rosalie; Timewell, Eric; Alexander, Lashonta. (1995). *In-Depth Interviewing: Principles, Techniques, Analysis*. South Melbourne/Australia: Addison Wesley Longman.

Pound, Roscoe (1910): "Law in Books and Law in Action", *American Law Review* 44: 12–36.

Reimer, Philipp (2019): "Verfahrenstheorie des Organisationsverfassungsrechts", in: Julian Krüper; Arne Pilniok (ed.): *Organisationsverfassungsrecht*. Tübingen: Mohr Siebeck, 85–103.

Schlegel, Rainer (2022): "§ 18 Unfallversicherung", in: Rainer Schlegel; Miriam Meßling; Frank Bockholdt (eds.): *COVID-19 Gesetzgebung*. 2. Ed., München: C.H.Beck, 515–534.

Schulten, Thorsten; Specht, Johannes (2021): "Grundlegender Wandel in der Fleischindustrie?", *Aus Politik und Zeitgeschichte* 51/52: 36–41.

Schulze-Fielitz, Helmuth (1988): *Theorie und Praxis parlamentarischer Gesetzgebung*, Berlin: Duncker&Humblot.

Sebastian, Marcel; Seeliger, Martin (2022): "Die Re-Regulierung der Schlachthofarbeit in der COVID-19-Krise", *Arbeit* 31(1–2): 235–254.

Seckelmann, Magrit (2021): "Regierung und Regierungshandeln aus Sicht der Verwaltungswissenschaft", in: Julian Krüper; Arne Pilniok (eds.): *Die Organisationsverfassung der Regierung*. Tübingen: Mohr Siebeck, 73–89.

Siekmeyer, Maria; Arndt-Zygar, Susanne (2013): "Landesweite Überwachungsaktion in der Fleischindustrie. Missbrauch von Werkverträgen unterbinden", in: Ministerium für Arbeit, Integration und Soziales des Landes Nordrhein-Westfalen: *Arbeitsschutz in Nordrhein-Westfalen*. Jahresbericht 2013, 21–24

Smeddinck, Ulrich (2006): *Integrierte Gesetzesproduktion*, Berlin: BWV.

Waltermann, Raimund (2020): *Arbeitsrecht*, 20. ed., München: C.H.Beck.

Young, Juliette; Rose, David; Mumby, Hannah et al. (2018): A methodological guide to using and reporting on interviews in conservation science research. *Methods Ecol Evol*. 9: 10–19.

Appendix

	Organisation	Function	Date
Interviewee A	NGG	Head of Legal Department	01/12/2022
Interviewee B	NGG	Head of Berlin Office	16/11/2022
Interviewee C	Faire Mobilität	Labour counsellor	22/12/2022