

Exposing Exploitation: Lessons from the Gräfenhausen lorry strike on the strategic use of supply chain law

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Abstract

This article presents a case study of a wildcat strike by lorry drivers that took place in the Gräfenhausen rest area in Germany, in 2023, in order to explore the potential of the German *Supply Chain Act* (GSCA) and similar laws to combat labour exploitation and activate collective action by migrant workers. Despite adverse circumstances, the successful strike showed that supply chain laws can unveil exploitation. The case demonstrates the emergence of collective agency through the supply chain approach. Vulnerable migrant workers are susceptible to exploitation due to socioeconomic and legal circumstances, and they are, in general, unlikely to successfully claim their rights. The success of the Gräfenhausen strike resulted from building social relations, a broad network of supporters, and the strategic use of the GSCA to pressure companies at the end of the supply chain to pay outstanding wages. Such supply chain laws provide important resources for social actors addressing exploitation as a human rights issue and transforming exploited workers into rights holders. The Gräfenhausen case underscores the essential role of solidarity and collective support alongside legal mechanisms for the successful enforcement of rights.

Keywords: labour exploitation, collective action, lorry strike, German Supply Chain Act, human rights due diligence

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Introduction

Drawing on the 2023 wildcat strike by lorry drivers in Gräfenhausen, Germany, this article explores the potential of the German *Supply Chain Act* (GSCA) to combat labour exploitation and activate collective action by exploited workers. The strike itself is remarkable, as the drivers organised and ultimately succeeded

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despite adverse circumstances. The case also illustrates that supply chain laws, even though primarily designed to ensure human rights along supply chains in the Global South, can also help unveil exploitation within economies of the Global North. Furthermore, the case demonstrates the emergence of collective agency, which stands in sharp contrast to the predominant criminal law approach to exploitation that not only fails to address structural factors but also tends to fix individuals in a position of victimhood. By contrast, the supply chain approach enables exploited workers to act collectively and claim their rights. This case must be placed against the backdrop of current political backlash at both the national and European levels against supply chain regulation, and in the context of a growing anti-immigrant rhetoric and politics.

The analysis begins with a brief overview of the case, followed by a discussion of the prevailing legal approach to labour exploitation, its limitations, and the potential of new supply chain legislation as an alternative regulatory framework. Building on this, the final section turns back to the case itself to examine the conditions that contributed to its success. The article is based on a qualitative case study combining document analysis and one semi-structured expert interview. The main empirical material stems from an interview with a representative of the Road Transport Due Diligence Foundation (RTDD), who acted as a mediator in the Gräfenhausen strike.¹ Additional sources include reports and documentation provided by trade union advisory networks such as Faire Mobilität (Fair Mobility), and materials on the case from a conference organised by the Friedrich Ebert Stiftung, which offered detailed accounts of the events.² These sources were complemented by informal exchanges with practitioners and experts involved in the field of labour rights counselling. The material was collected between October 2023 and October 2024 in the context of my research for the German national Human Rights Report (*Menschenrechtssituationsbericht*).³ The article adopts an exploratory socio-legal approach to reconstruct how the conflict unfolded and analyse the role of supply chain law in enabling collective rights enforcement.

¹ Interview, Road Transport Due Diligence (RTDD), online, 26 April 2024.

² Friedrich-Ebert-Stiftung, *Faire Mobilität and DGB: Gräfenhausen ist kein Einzelfall! Für faire grenzüberschreitende Arbeit in Europa*, Hybrid Conference on 12 October 2023, Berlin, <https://www.fes.de/themen/gewerkschaften-international/grafenhausen-ist-kein-einzelfall-fuer-faire-grenzueberschreitende-arbeit-in-europa>; M Wahl and A Weirich, *Lebens- und Arbeitsbedingungen der LKW-Fahrenden auf Parkplätzen in Deutschland: Erfahrungen aus der Beratungspraxis von Faire Mobilität*, Faire Mobilität, April 2023, https://www.faire-mobilitaet.de/dgb-fm-fileadmin/dateien/Dokumente/Internationaler-Stra%C3%9Fentransport/Fachinformationen/Dossier_Lebens-u._Arbeitsbedingungen_ISrT.pdf.

³ Deutsches Institut für Menschenrechte (DIMR), *Entwicklung der Menschenrechtssituation in Deutschland Juli 2024 – Juni 2025*, DIMR, 9 December 2024, retrieved 1 June 2025, <https://www.institut-fuer-menschenrechte.de/menschenrechtsschutz/berichterstattung/menschenrechtsbericht>.

The case study shows how a rare instance of collective rights enforcement emerged within the European transport sector. The drivers and their supporters not only organised a successful strike under adverse conditions but also strategically employed the mechanisms of the GSCA to hold companies accountable. The interaction between collective action and administrative oversight in this case illustrates how responsibility within subcontracting chains can be redefined in ways that open new avenues for rights enforcement and access to law. Central to this process were the solidarity networks and communication structures that enabled coordination among the drivers and sustained external support—without which the legal and organisational effort required for the enforcement of rights would hardly have been possible.

Gräfenhausen Strike: Context and course of events

Transport supply chains in Germany are highly fragmented, with subcontracting structures that enable exploitation of migrant workers.⁴ Typically, industrial or commercial firms contract large or medium-sized logistics companies, which then outsource part of the transport work to downstream transport service providers. These providers frequently subcontract further, often to foreign companies operating under lower labour and social standards. This multi-layered subcontracting structure allows responsibilities to be shifted downstream, enabling German companies to benefit from cheap foreign labour.⁵ In most cases, migrant workers do not claim their rights even if they could in theory.⁶ As rights and access to law is mostly conceptualised as an individual procedure, wage claims usually take the form of isolated individual cases.

Through the Gräfenhausen strike, migrant truck drivers claimed their rights collectively and successfully. The drivers, who came mostly from Uzbekistan and Georgia, were subcontractors of the same transport company from Poland. They were formally hired under Polish law, apparently through *umowa zlecenie* (service contracts) that classify workers as independent contractors operating at their own economic risk and not formally subject to an employer's direction and control. In practice, however, they rented their trucks from the Polish transport company,

⁴ V Helwing-Hentschel, M Franz, and P Verfürth, *Sorgfaltspflicht in Transportlieferketten: Gesamte Lieferkette in den Blick nehmen*, Forschungsförderung Working Paper Nr. 343, Hans-Böckler-Stiftung, July 2024, pp. 6–10, <https://www.boeckler.de/de/faust-detail.htm?produkt=HBS-008904>.

⁵ *Ibid.*

⁶ European Union Agency for Fundamental Rights, *Protecting Migrants in an Irregular Situation from Labour Exploitation – Role of the Employers Sanctions Directive*, Publications Office of the European Union, Luxembourg, 2021, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-employers-sanctions-directive-report_en.pdf.

worked exclusively for it, and followed its logistical directions.⁷ Whether this contractual arrangement represented an abusive misclassification of dependent employment was never examined in court and was not a central point in public debate. Similarly, the question of whether the strike itself was lawful under German collective labour law did not play a role.⁸ The case was consistently treated as a human rights case rather than a labour law issue.

The Polish transport company carried out orders for major companies based in Germany to provide transport and logistic services within their supply chains, including some well-known multinational corporations. The company operated within a multi-tier logistics chain in which the ordering firms were not in a direct contractual relationship with the Polish transport company but commissioned their transport services indirectly through intermediaries. Consequently, the drivers themselves had no contractual relationship with the companies whose goods they transported.

In March and April 2023, around 60 truckers gathered at the Gräfenhausen highway rest area to protest over unpaid wages totalling around EUR 100,000 (Gräfenhausen I).⁹ In late March 2023, the transport company attempted to violently end the strike and force the drivers to release the trucks by sending several individuals who arrived in an armoured vehicle and were seemingly ordered to take the trucks from the drivers. The police intervened and prevented the assault.¹⁰ The incident significantly increased media attention on the case, both in Germany

⁷ A Weirich and M Wahl, *Arbeitsbedingungen im internationalen Straßentransport in Deutschland: Entsendung von Drittstaatsangehörigen*, Faire Mobilität, June 2025, p. 21, https://www.faire-mobilitaet.de/dgb-fm-fileadmin/dateien/Dokumente/Internationaler-Stra%C3%9Ftransport/Fachinformationen/Dossier_Arbeitsbedingungen_Entsendung_06_25_barrierefrei.pdf.

⁸ Supporters, public authorities, and the media consistently referred to the protest as a ‘strike’, which is remarkable given that, under Article 9(3) of the German Constitution, only employees, not self-employed contractors, are entitled to strike, and such action must be called by a trade union and address matters subject to collective bargaining. For a discussion of the legal status of the strike, see K Lörcher, ‘Gräfenhausen ein Symbol? Lkw-Fahrer wehren sich’, *Grundrechte-Report 2024*, S. Fischer Verlag, Frankfurt am Main, 2024, pp. 139–143.

⁹ Hessenschau, ‘Streik von Fernfahrern eskaliert!’, 20 April 2023, <https://www.hessenschau.de/tv-sendung/graefenhausen-streik-von-fernfahrern-eskaliert--hessenschau-vom-07042023,video-181796.html>; Hessenschau, ‘Streikende Lkw-Fahrer an der A5’, 14 April 2023, <https://www.hessenschau.de/tv-sendung/start-der-esa-sonde-zum-jupiter-geglueckt--hessenschau-vom-14042023,video-182028.html>.

¹⁰ S Richter and N Hecht, ‘Streik der Lkw-Fahrer in Gräfenhausen zeigt Wirkung: “Endlich schaut Deutschland mal hin”’, *Frankfurter Rundschau*, 11 April 2023, <https://www.fr.de/rhein-main/streikende-lkw-fahrer-a5-darmstadt-polizeieinsatz-schlaegertrupps-attacke-92199139.html>.

and internationally. The wages were eventually paid by the transport company, and the strike ended at the end of April 2023.¹¹

Just three months later, in August 2023, around 150 drivers gathered again at the Gräfenhausen rest area to demand outstanding salaries from the same transport company, this time around EUR 500,000 in total (Gräfenhausen II).¹² A broad network of supporters and the extraordinary hardships endured by the strikers attracted a great deal of media attention. However, the Polish transport company remained unwilling to pay and may have been unable to do so.¹³

In mid-September 2023, some of the drivers began a hunger strike to express solidarity with their families, who were left without income because of the unpaid wages.¹⁴ Consequently, the Federal Office for Economic Affairs and Export Control (BAFA), which serves as the administrative supervisory authority for compliance with the GSCA, became involved this time. Shortly before, Federal Minister of Labour Hubertus Heil had publicly called for a special review of companies linked to the Polish transport firm under the GSCA.¹⁵ BAFA investigated on site and contacted the ordering companies whose goods were stored on the trucks. On 25 September 2023, BAFA president Torsten Safarik visited the Gräfenhausen rest area, while the hunger strike was being discontinued following medical advice. Following BAFA's intervention and its pressure to ensure that appropriate remedial action was taken, the ordering companies covered the

¹¹ D Behruzi, 'Solidarität mit den Lkw-Fahrern in Gräfenhausen!', *ver.di*, 3 May 2023, <https://psl.verdi.de/branche/++co++430e8df0-d877-11ed-9bf1-001a4a160111>.

¹² Deutsche Verkehrszeitung (DVZ), 'Gräfenhausen: Streikende Lkw-Fahrer warten auf über eine halbe Million Euro Lohn', *DVZ*, 21 August 2023, <https://www.dvz.de/unternehmen/strasse/detail/news/grafenhausen-streikende-lkw-fahrer-warten-auf-ueber-halbe-million-euro-lohn.html>; M Rathmann, 'Ausbeutung von Fahrern: Fahrer fordern halbe Million Euro', *Eurotransport*, 23 August 2023, <https://www.eurotransport.de/logistik/spedition-und-logistik/ausbeutung-von-fahrern-fahrer-fordern-halbe-million-euro>.

¹³ Interview with RTDD. The interview indicated that the company might already have been insolvent.

¹⁴ Interview with RTDD; Business & Human Rights Resource Centre (BHRRC), 'Germany: Truck drivers stage hunger strike to draw attention to exploitation', BHRRC, 26 September 2023, <https://www.business-humanrights.org/en/latest-news/germany-truck-drivers-stage-hunger-strike-to-draw-attention-to-exploitation>.

¹⁵ Business & Human Rights Resource Centre, 'Streik in Gräfenhausen: Arbeitsminister erwirkt Sonderprüfung der deutschen Auftraggeber im Rahmen des Lieferkettengesetzes', BHRRC, 15 September 2023, <https://www.business-humanrights.org/de/neueste-meldungen/streik-in-gr%C3%A4fenhausen-arbeitsminister-erwirkt-sonderpr%C3%BCfung-der-deutschen-auftraggeber-im-rahmen-des-lieferkettengesetzes>.

outstanding wages because the Polish transport company, which was contractually responsible for payment, continued to refuse to pay. The drivers then ended their strike on 3 October 2023, after 10 weeks of protest.¹⁶

What Is Labour Exploitation and How Is It Addressed?

The Gräfenhausen strike is not only a rare instance of exploited migrant workers successfully enforcing their rights collectively but also a revealing case of how structural conditions usually obstruct such success. Thus, this case invites a closer look at how labour exploitation is legally framed—and whether new tools such as the GSCA can offer alternatives. Labour exploitation refers to the systematic disregard of labour standards and workers' rights, ranging from underpayment and excessive working hours to coercive and criminal practices that may fall under the scope of human trafficking. What qualifies as exploitation in legal and political discourse depends on how freedom and consent in labour relations are defined. As Judy Fudge has shown, the boundary between free and unfree labour is not fixed but constructed through governance and legal interpretation.¹⁷

The Criminal Law Paradigm and Its Perils

Since 2016, German law has included a specific offence of labour exploitation under Section 233 of the Criminal Code (StGB). In this context, labour exploitation refers to employment that takes advantage of a personal or economic predicament or a migration-related vulnerability.¹⁸ Legally, this offence is closely linked to human trafficking.¹⁹ Under Section 232(1) No. 1(b) StGB, human trafficking for the purpose of exploitative employment is punishable when the working conditions significantly deviate from those of comparable lawful employment and the perpetrator acts with reckless intent to profit. In addition, Section 232b StGB criminalises acts intended to place a person into, or keep them within, an exploitative situation as defined in Section 232b Nos. 1–3 StGB.

¹⁶ N.A., 'Gräfenhausen: Protest beendet, Fahrer erhalten Geld', *ver.di*, 2 October 2023, <https://www.verdi.de/themen/geld-tarif/++co++30982468-611d-11ee-a748-001a4a16012a>.

¹⁷ J Fudge, *Constructing Modern Slavery: Law, Capitalism, and Unfree Labour*, Cambridge University Press, 2025, pp. 2–12.

¹⁸ T Fischer, *Strafgesetzbuch und Nebengesetze: Kommentar*, 71st edn., Munich, 2024, § 232, paras. 5–10.

¹⁹ W Renzikowski, '§ 232', in B von Heintschel-Heinegg (ed.), *Münchener Kommentar zum Strafgesetzbuch*, 4th edn., Munich, 2021, para. 3.

However, these legal norms are rarely applied.²⁰ Criminal law also fails to address the structural and socioeconomic dimensions of exploitation as the law focuses on individual misconduct.²¹ Rather than focusing on individual culpability, an analysis of labour exploitation must consider the economic and institutional structures that enable it. The focus on criminality might even ‘divert attention from the underlying structures and processes that generate exploitation’.²² Exploitation is understood as a deviation from the norm, driven by the bad intentions of an individual perpetrator, rather than as a structural feature of the economic order. This perspective persists, even though entire sectors have emerged in which strong economic incentives to exploit prevail, and non-exploitative business practices are significantly disadvantaged.²³ Especially in sectors with a high proportion of migrant workers, there are strong economic incentives for labour exploitation. This is particularly true for transnational production and supply chains, where significant regulatory and enforcement gaps persist. Global competition favours those actors who are able to produce and deliver with the greatest flexibility and at the lowest cost.²⁴

The transport and logistics sector in Germany is marked by intense competition and cost pressure. To reduce expenses and respond flexibly to capacity changes, a growing share of transport orders is outsourced to subcontractors. In road freight in particular, transport services are increasingly carried out by drivers from Eastern Europe, as well as from Central Asia and other non-EU countries. These workers are employed by subcontractors several tiers removed from the principal client. This multi-tiered structure allows companies to shift responsibility downstream while benefiting from cheap foreign labour. Digitalisation—especially the rise of job allocation platforms—has further enabled this outsourcing model.²⁵

²⁰ Deutsches Institut für Menschenrechte, *Monitor Menschenhandel in Deutschland: Erster periodischer Bericht*, October 2024, DIMR, p. 184, <https://www.institut-fuer-menschenrechte.de/publikationen/detail/monitor-menschenhandel-in-deutschland>.

²¹ H Shamir, ‘A Labor Paradigm for Human Trafficking’, *UCLA Law Review*, vol. 60, 2012, pp. 76–136.

²² Fudge, p. 12.

²³ D Klein, *Corporate Governance im Kontext von Schwarzarbeit und illegaler Beschäftigung in der deutschen Bauwirtschaft: Entwurf eines systemischen Gestaltungsmodells*, Shaker Verlag, Düren, 2021, pp. 52–53.

²⁴ G LeBaron, *Combatting Modern Slavery: Why Labour Governance is Failing and What We Can Do About It*, Polity Press, Cambridge, 2020; J Drubel, *Das ILO-Zwangsarbeitsverbot in der globalisierten Wirtschaft*, Springer VS, Wiesbaden, 2022, pp. 123–128.

²⁵ Helwing-Hentschel, Franz, and Verfürth.

Vulnerability to Labour Exploitation

Understanding exploitation requires examining the legal and economic conditions that make people vulnerable. In the road transport sector, vulnerability does not primarily result from an irregular migration status but from the institutional and contractual arrangements that generate dependency and restrict access to rights. Many drivers are employed by subcontractors established in other EU countries but recruited from non-EU states. This transnational employment structure often entails long periods of work under inferior conditions, for low wages, and with limited access to assistance. The further removed workers are from their home context, the greater their dependence on intermediaries and employers, and the more difficult it becomes to resist exploitation.²⁶

Understanding exploitation in the road transport sector also requires taking into account the specific living and working conditions of long-distance drivers. Many of them spend weeks or even months on the road, often living in their trucks under precarious conditions. Access to basic infrastructure such as sanitary facilities or safe rest areas is limited and possibilities for social interaction are almost non-existent.²⁷

Reports by trade union initiatives describe cases in which drivers receive falsified or misleading documents concerning their employment status, wages, or driving and rest times. In the event of inspections, drivers may face administrative fines for exceeding driving hours, even when such violations result from employer pressure.²⁸ In Germany, the drivers' vulnerability is increased by the absence of an independent labour inspection authority that focuses exclusively on working conditions. In the transport sector, inspections are carried out by the Federal Office for Logistics and Mobility (Bundesamt für Logistik und Mobilität, BALM) and the Financial Control of Undeclared Work Unit (Finanzkontrolle Schwarzarbeit, FKS), whose mandates centre on transport safety and fiscal compliance rather than on the protection of labour rights. At the same time, many drivers report threats, coercion, and forms of bogus self-employment. The continuous work and living conditions on the road make it difficult for them to access medical care or claim basic labour rights such as paid leave.²⁹

²⁶ Weirich and Wahl, 2025, p. 2.

²⁷ A Weirich and M Wahl, *Informationen zur Branche "Internationaler Straßentransport": Erfahrungen aus der Beratungspraxis von Faire Mobilität*, Faire Mobilität, July 2022, p. 5, https://www.faire-mobilitaet.de/dgb-fm-fileadmin/dateien/Dokumente/Internationaler-Stra%C3%9Fentransport/Fachinformationen/Dossier_Int._Stra%C3%9Fentransport__07_2022_.pdf.

²⁸ *Ibid.*

²⁹ *Ibid.*

Hardening Corporate Social Responsibility

In face of the structural deficiencies in enforcing labour rights especially in transnational contexts, a new legal tool has emerged: human rights due diligence obligations along the supply chain. After corporate social responsibility (CSR) had long existed solely in the form of soft law, a new legislative trend has emerged in recent years towards transforming CSR into enforceable law. While human rights obligations primarily apply to states, international law now establishes a normative expectation for companies to respect them, specified through due diligence obligations. The United Nations *Guiding Principles on Business and Human Rights* (UNGPs)³⁰ remain the most thorough framework document for business and human rights to date. The UNGPs are structured in three pillars and establish the duty of states to protect against human rights abuses (first pillar), define a global standard for corporate conduct to respect human rights (second pillar), and offer guidelines and recommendations on access to remedy for victims of business-related human rights violations (third pillar). According to Principle 12 of the UNGPs, companies must respect internationally recognised human rights, including the International Labour Organization (ILO) core labour standards prohibiting forced labour and exploitation. The commentaries to Principles 3 and 12 explicitly identify migrant workers as a particularly vulnerable group, requiring heightened attention from both states and companies. While the UNGPs are considered soft law and lack direct legal effect, they have profoundly influenced the ongoing discussion about regulating transnational corporations and have informed laws worldwide, including those in Europe. France took the lead in 2017 with the adoption of the *Loi de Vigilance* (*Corporate Duty of Vigilance Law*), probably the most far-reaching supply chain law worldwide.³¹ Germany followed in 2023 with the *Supply Chain Act* (*Lieferkettensorgfaltspflichtengesetz*). An EU-wide supply chain law has since been adopted.³²

³⁰ Resolution 17/4 adopted by the Human Rights Council, *Human Rights and Transnational Corporations and Other Business Enterprises*, UN Doc. A/HRC/RES/17/4.

³¹ C Lavite, 'The French Loi de Vigilance: Prospects and Limitations of a Pioneer Mandatory Corporate Due Diligence', *Verfassungsblog: On Matters Constitutional*, 16 June 2020, <https://doi.org/10.17176/20200616-124112-0>.

³² The Corporate Sustainability Due Diligence Directive (CSDDD), adopted in 2024, was initially intended to introduce civil liability provisions and apply to a broad range of companies. However, following the 2025 Omnibus procedure aimed at reducing administrative burdens for companies, its scope was significantly narrowed and the liability provisions were removed. As a result, the Directive will not entail a substantive strengthening of existing due diligence obligations in Germany. Germany, alongside France, played a central role in advocating for the dilution of the CSDDD's provisions. See: Business & Human Rights Resource Centre, 'Briefing: How German Members of the European Parliament are Adopting the Demands of the Business Lobby for the EU Corporate Sustainability Due Diligence Directive', BHRRC, 24 January 2023, <https://www.business-humanrights.org/en/latest-news/briefing-how-german>

The German Supply Chain Act

The GSCA requires companies to prevent, mitigate, and compensate for human rights violations and environmental damage within their supply chains. In force since 1 January 2023, it applies to companies headquartered in Germany with at least 1,000 employees. Unlike the UNGPs, the GSCA does not directly reference international human rights conventions but formulates corporate due diligence obligations through a catalogue of prohibitions derived from the corresponding human rights conventions. The obligations to respect human rights implies a particular emphasis on labour-related rights. Section 2(1) states protected rights, which are explicitly defined through references to international agreements, such as the ILO Core Labour Standards and UN human rights treaties, and include the right to freedom of association and collective bargaining as well as the right to fair working conditions, particularly regarding wages, working hours, and occupational health and safety. Section 2(2) specifies the types of human rights violations covered by the Act such as forced labour, child labour, hazardous working conditions, and human trafficking for labour exploitation.

In the Gräfenhausen case, several of these protected rights were likely affected. First, the right to appropriate remuneration under Section 2(2) No. 5 GSCA appears to have been violated, as drivers were not adequately paid. Second, the right to safe and healthy working conditions under Section 2(2) No. 4 GSCA was compromised, given the drivers' prolonged stays in their vehicles and lack of adequate rest and sanitary facilities. BAFA explicitly confirmed that the drivers had not been adequately remunerated and that occupational safety had been neglected.³³ In addition, potential interferences with the freedom of association and collective bargaining (Section 2(2) No. 6 GSCA) could be relevant, considering that the strike was met with threats and intimidation by the Polish transport company. If drivers were pressured through threats or acts of violence to continue working, this could constitute forced labour within the meaning of Section 2(2) No. 3 GSCA.

Companies are required to identify such risks, through human rights risk assessments (Section 5). Where concrete indications of violations arise, companies are obliged to take immediate action. This may include stopping the violation

members-of-the-european-parliament-are-adopting-the-demands-of-the-business-lobby-for-the-eu-corporate-sustainability-due-diligence-directive; Business & Human Rights Resource Centre, 'France Strikes Again to Undermine the CSDDD', BHRR, 28 February 2024, <https://www.business-humanrights.org/en/latest-news/france-strikes-again-to-undermine-the-csddd>.

³³ Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA) Press Release, *Zweiter Transportgipfel in Borna: Austausch für mehr Menschenrechtsschutz im Transportsektor*, BAFA, 20 February 2024, https://www.bafa.de/SharedDocs/Pressemitteilungen/DE/Lieferketten/2024_03_transportgipfel_borna.html.

where possible, cooperating with suppliers to implement improvements, or even terminating the business relationship if no remedy is feasible (Section 7). The GSCA thus recognises labour-related human trafficking as a core area of corporate due diligence obligations. Given the prevalence of migrant labour in high-risk sectors, and consistent with the interpretation of international human rights bodies,³⁴ the protection of vulnerable groups, such as migrant workers, is understood to form an implicit part of corporate obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.³⁵

The GSCA provides for graduated due diligence: Section 5 generally excludes indirect suppliers from risk analysis, unless the company gains ‘substantiated knowledge’ of relevant risks, triggering full obligations under Section 9(3).

Access to Justice under the GSCA

The Gräfenhausen strike was a high-profile case with various actors involved at different stages. Workers, their supporters, and the press brought the workers’ struggle to public attention. BAFA intervened in this conflict proactively and publicly. Workers had the option to apply to BAFA for remedy, as well as to start court proceedings against the companies involved or their direct employer. But they chose to go on a wildcat strike and then apply to BAFA, which turned out to be a smart choice. In the following section, I will give a short overview on the grievance mechanism under the GSCA.

Under the GSCA, individuals affected by human rights violations in a company’s supply chain can access two non-judicial grievance mechanisms: one operated or supported by the company itself (Section 8), and one administered by BAFA, the competent supervisory authority (Section 14). Both mechanisms can be used to seek remedy for due diligence violations by companies. Section 8 GSCA grants companies considerable flexibility in structuring their procedures, and the same applies to BAFA’s process. In both cases, the mechanisms primarily serve investigative functions—either through dialogue obligations (Section 8) or BAFA’s authority to initiate investigations on its own initiative (Section 14).

³⁴ See, for instance: Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 23 (2016) on the Right to Just and Favourable Conditions of Work (Article 7 of the ICESCR), E/C.12/GC/23, 27 April 2016, para. 47(e).

³⁵ M Krajewski and M Kaltenborn, ‘Einleitung’, in M Kaltenborn *et al.* (eds.), *Lieferkettensorgfaltspflichtenrecht: LkSG, GwB, EU-HolzhandelsVO, EU-KonfliktmineralienVO, BetrVG, WRegG, CSR-RL-UmsG*, Verlag C.H. Beck, Munich, 2023, para. 70.

Although the organisational framework of the BAFA grievance mechanism is legally defined, its procedures remain flexible. For instance, BAFA may pursue an amicable resolution by involving mediators, as it did in the Gräfenhausen case. If a complaint is found to be justified, outcomes must be determined. While Section 15 sets out possible outcomes for the BAFA mechanism, Section 8 (on company-level mechanisms) does not define specific procedural results. However, in cases of substantiated complaints, at a minimum, preventive and remedial measures must be taken (Sections 6 and 7).

Since the law has only recently been enacted, its interpretation by administrative authorities—and potentially by the courts—remains uncertain. The GSCA establishes obligations to endeavour, implying a relatively limited standard of liability at this stage. Accordingly, BAFA so far has shown reluctance to impose sanctions during its reviews.³⁶ An expansive interpretation of the law through its application was not anticipated. However, companies are likely to face pressure to implement remedial actions in cases of well-documented and severe human rights violations within their supply chains. Failure to do so may oblige BAFA to impose sanctions (Section 22 et seq.).

This institutional uncertainty has coincided with growing political controversy over the law's scope and enforcement. The GSCA had become a major point of contention within the governing coalition and a focal point of lobbying. Disagreements over the Act's future were among the issues that led to the collapse of the governing coalition in November 2024. Following the February 2025 election, the new government moved to weaken the Act. On 3 September 2025, the new federal government introduced a draft law to amend the GSCA.³⁷ On 26 September 2025, the Federal Ministry for Economic Affairs instructed BAFA to apply the law with restraint for the time being and to refrain from taking coercive measures against companies.³⁸ BAFA's already cautious enforcement practice has

³⁶ Bundesamt für Wirtschaft und Ausfuhrkontrolle, *Rechenschaftsbericht 2023 nach dem Lieferkettensorgfaltspflichtengesetz*, BAFA, July 2024, https://www.bafa.de/SharedDocs/Downloads/DE/Lieferketten/rechenschaftsbericht_2023.html?nn=1469788.

³⁷ Bundesrat, *Entwurf eines Gesetzes zur Änderung des Lieferkettensorgfaltspflichtengesetzes: Entlastung der Unternehmen durch anwendungs- und vollzugsfreundliche Umsetzung*, Bundesrat-Drucksache 422/25, 5 September 2025, <https://dserver.bundestag.de/brd/2025/0422-25.pdf>.

³⁸ Bundesministerium für Wirtschaft und Energie (BMWE), 'Sofortige Entlastung für Unternehmen – BMWWE weist BAFA zur Zurückhaltung beim Lieferkettengesetz an', BMWWE, 26 September 2025, <https://www.bundeswirtschaftsministerium.de/Redaktion/DE/Pressemitteilungen/2025/09/20250926-bmwe-bafa-zurueckhaltung-lieferkettengesetz.html>. Contrary to this press release by the Federal Ministry for Economic Affairs and Energy (BMWE), the press release already published on 3 September 2025 by the Federal Ministry of Labour and Social Affairs (BMAS) emphasised that this new legislative initiative does not imply a lowering of human

thus been further weakened. BAFA officially announced that it would temporarily suspend the review of corporate reports and terminate ongoing administrative fine proceedings until the planned reform of the *Supply Chain Act* is completed. At the same time, only particularly serious violations of human rights or environmental standards are to be pursued from now on.³⁹

These developments highlight that the effectiveness of the GSCA ultimately depends on the state's willingness to enforce it. Yet even before the reform, the law relied on administrative oversight. While companies and BAFA must provide complaint mechanisms, affected workers have no direct legal standing and no guaranteed right to information about the outcome of their complaint. Moreover, the GSCA does not provide for collective enforcement or association-based actions, even though collective rights such as freedom of association and the right to strike are explicitly protected under Section 2(2)(6) GSCA.⁴⁰ In practice, the Gräfenhausen case illustrates that collective action itself became the decisive mechanism for rights enforcement. Collective action, understood here as the organised and solidary mobilisation of workers and their supporters to claim rights that would otherwise remain inaccessible, translates the abstract protection of collective rights into practice. Solidary practices and the collective rights that safeguard them thus serve as enablers for the enforcement of individual rights⁴¹ and for ensuring compliance with the law more generally.

The Success of the Lorry Strike

The Gräfenhausen strike was successful on two fronts: not only were the strike's objectives met, but it also significantly heightened public awareness about the working conditions faced by migrant workers in the transportation industry. The strike's success rested on three interlinked factors: strong internal solidarity among

rights protection. See Bundesministerium für Arbeit und Soziales, 'Lieferkettensorgfaltspflichtengesetz gilt nahtlos weiter', BMAS, 3 September 2025, <https://www.bmas.de/DE/Service/Presse/Pressemitteilungen/2025/lieferkettensorgfaltspflichtengesetz-gilt-nahtlos-weiter.html>.

³⁹ Bundesamt für Wirtschaft und Ausfuhrkontrolle, Vereinfachungen für Unternehmen beim Lieferkettengesetz', BAFA, 1 October 2025, https://www.bafa.de/SharedDocs/Kurzmeldungen/DE/Lieferketten/20251001_Vereinfachung_LksG.html.

⁴⁰ Section 11 of the GSCA provides a procedural mechanism allowing trade unions and NGOs to litigate on behalf of affected individuals, but it does not create an independent civil cause of action.

⁴¹ E Kocher, 'Individual Rights as a Critique of Labour Law Collectivity. Looking at Labour Law from the Perspective of its Outsiders', in E Von Adamovich and M Zernikow (eds.), *Philosophical and Sociological Reflections on Labour Law in Times of Crisis*, Cambridge Scholars Publishing, London, 2022, pp. 115–130.

the drivers, external support networks, and the strategic use of the *GSCA* as a legal and political lever.

Work-related Migration and Public Discourse

The public and political discourse surrounding work-related migration in Germany has been ambivalent: while policies aim to attract high-skilled workers, they simultaneously seek to restrict other forms of migration and to limit migrants' access to welfare benefits. The living and working conditions of migrant workers have historically received little public attention. This changed somewhat during the COVID-19 pandemic, when the German meat industry faced public scrutiny after high numbers of COVID-19 infections among migrant workers revealed their inadequate living and working environments.⁴² It also became evident that closed borders could severely impact the German agricultural sector, which relies heavily on migrant seasonal workers.⁴³ In these instances, the issues surrounding migrant labour were primarily framed as either health or economic concerns. However, the Gräfenhausen case stands out by directly spotlighting the poor working conditions. Although it was not the first instance of self-organised migrant strikes or protests,⁴⁴ the Gräfenhausen strike succeeded in generating significantly more public attention than its predecessors. This increased visibility helped raise awareness about the deplorable working conditions in the transportation industry.⁴⁵

⁴² In response to that, the German legislature enacted the *Act to Improve Enforcement in Occupational Health and Safety* (*Arbeitsschutzkontrollgesetz*) in 2020.

⁴³ This was particularly discussed in connection with the asparagus harvest. See M Sanches, 'Corona: Gefährdet Omikron die deutsche Spargel-Ernte?', *Berliner Morgenpost*, 27 January 2022, <https://www.morgenpost.de/panorama/article401884772.ece>; S Kinkartz, 'Spargelstechen unter Corona-Bedingungen', *Deutsche Welle*, 17 March 2021, <https://www.dw.com/de/erntehelfer-spargelstechen-unter-corona-bedingungen/a-56904351>.

⁴⁴ As early as the 1970s, there were a series of strikes by migrant workers, then referred to as 'guest workers' (*Gastarbeiter*), which also addressed issues of discrimination. However, these workers received little support from their German colleagues. Instead, they were often criminalised and, in some cases, even deported. See E Kızılay, 'Migration und Arbeitskämpfe: Ein Blick zurück in die Zeit der "Gastarbeiter*innen" und ihre Kämpfe in der BRD der 1970er Jahre', Rosa Luxemburg Stiftung, August 2020, <https://www.rosalux.de/publikation/id/42811/migration-und-arbeitskaempfe>. There have also been protests by migrant workers in recent times, such as in the case of the 'Mall of Berlin' aka 'Mall of Shame', in which the workers involved in the construction of the shopping centre did not receive wages and organised themselves in the anarcho-syndicalist Free Workers' Union (FAU). See E Ghamsharick, L Saadna, and N Ünsal, 'Mall of Shame – Pay your workers! — An Interview with Bogdan Droma', *movements. Journal for Critical Migration and Border Regime Studies*, vol. 3, issue 1, 2017.

⁴⁵ In response to the Gräfenhausen strike, BAFA organised an exchange on due diligence obligations in the transport industry with companies from the sector. See Bundesamt

It also offered a rare moment in which migrant workers appeared in public discourse as organised collective actors capable of asserting their rights and mobilising solidarity across national boundaries. Their calm and persistent protest, carried out under difficult conditions, reinforced the unusually broad and sympathetic media response, which became part of the strike's success by temporarily adding an alternative narrative to dominant anti-migrant discourses and demonstrating that exploited workers can become active rights holders through collective action.

How to Successfully Fight Exploitation

The drivers successfully advanced their strike demands by compelling the companies at the end of the supply chain to pay the outstanding wages. The companies complied and settled the payments without awaiting a court decision.

Labour strikes require a high level of organising power and strategic capacity, typically orchestrated by trade unions rather than by precarious and individualised migrant workers.⁴⁶ Empirical research shows that key figures in trade union organising often possess formal qualifications and stable positions within the workplace. Migrant workers are generally considered difficult to organise and at best may act as passive supporters.⁴⁷ Additionally, organising labour typically relies on physical spaces that facilitate social relations among workers, a necessary precondition for effective collective action. In environments where workers are isolated or constantly moving—such as in truck driving—creating and maintaining these social bonds becomes significantly more challenging. This physical separation complicates communication and reduces the opportunity for developing the solidarity and collective identity that are crucial for a successful strike or labour action.

The success of the drivers in the Gräfenhausen strike, despite seemingly unfavourable conditions, is an intriguing example of overcoming barriers to collective action among migrant workers, particularly in the transportation industry. Here are several factors that likely contributed to their successful organisation and strike.

für Wirtschaft und Ausfuhrkontrolle, 'Bessere Arbeitsbedingungen in der Transportbranche: Austausch zu Sorgfaltspflichten in der Praxis', BAFA, 16 October 2023, https://www.bafa.de/SharedDocs/Pressemitteilungen/DE/Lieferketten/2023_17_arbeitsbedingungen_transportbranche.html.

⁴⁶ In Germany, the formal call to strike by a trade union is even a precondition to legally qualify an action as a strike.

⁴⁷ K Dörre, T Goes, S Schmalz, and M Thiel, *Streikrepublik Deutschland? Die Erneuerung der Gewerkschaft in Ost und West*, Campus Verlag, Frankfurt am Main, 2016, pp. 125–130.

Building Social Relations and Communication Networks

The drivers leveraged existing informal networks to foster a common understanding of their situation and coordinate meeting places. At first, the protest was not concentrated in one place. Some drivers attempted to gather in Switzerland and Northern Italy but had to leave following police intervention. The drivers were in contact via shared social media and chat groups and then shifted the location of their protest to the Gräfenhausen rest area, where several drivers had already stopped their trucks.⁴⁸ Seemingly, the particular rest area was not strategically chosen from the outset, but became the central location of the protest as drivers regrouped there. These communication tools played a key role in organising and executing the strike. While on strike, the drivers endured significant hardship; not only did they spend weeks at the rest area, but they also resorted to a hunger strike as a final measure to protest and express solidarity with their families, whom they could not support due to unpaid wages.⁴⁹ Their readiness to engage in conflict and make extreme sacrifices helped convey the gravity of their situation to the public and authorities, gaining wider understanding and support.⁵⁰ The drivers showed a high level of solidarity among each other, as even those who had already received their wages refused to leave the strike until everyone received theirs.⁵¹

Allies and Support Structures

The drivers were supported by a network comprising various actors, primarily from the trade union sector. Over the last decades, a significant shift has taken place in German trade unions' approach towards migrant workers.⁵² Historically,

⁴⁸ Interview with RTDD.

⁴⁹ Interview with RTDD.

⁵⁰ During the strike, the precarious living conditions of the drivers were highlighted. Some drivers, despite suffering from severe and worsening health problems, had not had the opportunity to see a doctor for months or longer, leading to life-threatening situations in some cases. B Schäder, 'BAFA-Chef zu Lkw-Streik in Gräfenhausen: "Ich hatte Angst, dass es Tote gibt"', *Frankfurter Allgemeine Zeitung*, 21 March 2024, <https://www.faz.net/aktuell/rhein-main/wirtschaft/bafa-chef-zu-lkw-streik-in-graefenhausen-hatte-angst-dass-es-tote-gibt-19600868.html>.

⁵¹ K Koerth, 'Streik an der A5 bei Gräfenhausen: Lkw-Fahrer bekommen ihren Lohn', *Der Spiegel*, 3 April 2023, <https://www.spiegel.de/wirtschaft/streik-an-der-a5-bei-graefenhausen-lkw-fahrer-bekommen-ihren-lohn-a-0fabaf50-1860-404c-9d8c-856c61cd2f30>.

⁵² T Seitz, *Between Guardian and Punisher – The Role of the German Inspectorate Finanzkontrolle Schwarzarbeit for Migrant Workers*, Master's Thesis, Linköping University, 2022, pp. 8–9, retrieved 27 November 2025, <https://liu.diva-portal.org/smash/get/diva2:1707636/FULLTEXT01.pdf>.

unions often framed migrants—particularly those with irregular status—as competitors rather than as fellow workers deserving solidarity. However, from the late 1990s to the early 2000s, union rhetoric and strategies began to change. Migrant workers increasingly came to be seen not as threats but as vulnerable colleagues or victims of exploitation. Over the past decade, major German trade unions, traditionally focusing on their core demographic of German male workers, began to establish specialised counselling services for migrant workers. Since 2011, the Fair Mobility network has been offering advice to Eastern European workers, making site visits, and distributing labour rights information in multiple languages. Funded by the state since August 2020, these support structures were well-developed by the time of the strike in 2023, enabling them to provide active, on-the-ground support for the workers. Additionally, the trade union-affiliated Road Transport Due Diligence Foundation (RTDD) played a significant role. Edwin Atema, the head of RTDD and a former truck driver himself, served as a mediator and spokesperson for the drivers.⁵³ The church was also involved and acted as an intermediary for the money between the companies and the drivers.⁵⁴

Strategic Use of the Law

The drivers successfully based their claim for unpaid wages on a new legal foundation provided by the GSCA. Previously, they would have had to rely on individual legal enforcement through labour or civil law proceedings. However, the GSCA redefined responsibility along the supply chain, which had been obscured by transnational work arrangements, thereby enabling the drivers to hold German companies at the end of the supply chain accountable, despite lacking direct contractual relationships with them. To leverage this legal framework effectively, the RTDD meticulously gathered data to map out the entire supply chain up to the German companies. In the initial Gräfenhausen I strike, the German companies were informed but denied knowledge of the Polish subcontractor's legal violations. However, with the occurrence of Gräfenhausen II just a few months later, these companies could no longer plead ignorance.⁵⁵ The robust documentation of legal breaches within the supply chain, combined with heightened public scrutiny, compelled BAFA to intervene. This pressure prompted the companies to take corrective measures, demonstrating the effectiveness of strategic action under the new law. It is important to note, however, that the tracing of the supply chain was possible without the cooperation of the companies involved. For instance, companies receiving deliveries could be identified through the cargo loaded on

⁵³ Interview with RTDD.

⁵⁴ *Ibid.* The specific church was not identified by key informants, but its role emphasises the significance of the support of faith-based organisations in successful workers' struggles.

⁵⁵ Deutsches Institut für Menschenrechte, *Menschenrechtssituation*, p. 82.

the trucks.⁵⁶ This level of transparency will not be feasible in all supply chains without information provided by the companies themselves.

Technically, there is significant potential to use digitally recorded data along transport supply chains to monitor and verify compliance with due diligence obligations.⁵⁷ However, it was not the transport companies or receiving companies who tracked the supply chain and its risks—it was the drivers and their supporters themselves.

From the perspective of workers, the case underscores that relying solely on legal mechanisms offers limited assistance on its own. Instead, collective solidarity and support structures remain essential for successfully combating rights violations. Nonetheless, the new supply chain regulation allows for claims to be asserted beyond the traditional boundaries of company liability in civil law. In the Gräfenhausen II strike, it was already evident that the Polish subcontractor might be insolvent.⁵⁸ Consequently, a successful civil lawsuit was unlikely to result in the drivers being compensated. The introduction of the GSCA enabled actions against the more solvent German contractors. This shift from traditional civil liability allows rights holders to set shared objectives that previously would have been unattainable. Ideally, this could foster greater solidarity among rights holders. The link between achieving common goals and the readiness to engage in solidarity is profound. For workers to mobilise for collective action, they require not only a shared understanding of a problem but also the belief that they can resolve it together. The experience of overcoming a ‘seemingly omnipotent authority’⁵⁹ and reaching a shared objective can significantly bolster solidarity. This sense of shared victory not only unites individuals but also strengthens their collective resolve to tackle future challenges.⁶⁰ Even in 2025, lorry drivers in Germany and other European countries were once again on strike—this time, the majority of the drivers were from Zimbabwe and employed by a Slovakian hauling company. Once again, the client at the top of the supply chain is a major German corporation.⁶¹

⁵⁶ Interview with RTDD.

⁵⁷ Helwing-Hentschel, Franz, and Verfürth, p. 4.

⁵⁸ Interview with RTDD.

⁵⁹ R Fantasia, *Cultures of Solidarity: Consciousness, Action, and Contemporary American Workers*, University of California Press, Los Angeles, 1988, p. 145, cited in J Jungehülsing, *Transnational Migration and International Labor Solidarity: On Migrant Union Members’ Impact on Unions’ Cross-Border Work*, Rainer Hampp Verlag, Augsburg, 2018, p. 67.

⁶⁰ Jungehülsing, p. 67.

⁶¹ N.A., ‘Wilder Streik: Lkw-Fahrer wehren sich’, *ver.di*, 4 February 2025, <https://www.verdi.de/themen/nachrichten/++co++79aaca30-e2ec-11ef-8509-937fe2dfd641>; N.A., ‘Proteste von LKW-Fahrern aus Simbabwe für slowakische Tochter der Spedition Hegelmann auf verschiedenen Raststätten in Deutschland, Frankreich und Italien’,

Typically, it is not individuals who utilise the BAFA complaint mechanisms but rather collective actors. Hardened corporate social responsibility through instruments like the GSCA provides new significant resources for social actors combating exploitation. They potentially open a collective sphere of action with new normative categories,⁶² transforming exploited workers into rights holders within the context of human rights without forcing them into the victim regime of criminal law. Framing the situation as a human rights problem also helped to overcome legal technicalities that could have been invoked to classify the strike as unlawful. The question of whether the drivers' actions were illegal or met the legal requirements of a labour strike under German law was never relevant, as BAFA treated the case as a human rights matter from the outset.

Conclusion

The Gräfenhausen strike demonstrates how new supply chain laws, despite their limitations, can be strategically leveraged to contest systemic labour exploitation. While the *GSCA*'s legal mechanisms are still in their early stages and rely heavily on proactive engagement from civil society, the case reveals their potential to shift responsibility back upstream and frame exploitation as a human rights issue. Crucially, it was not legal reform alone but the interplay of solidarity, documentation, and public pressure that enabled the workers' success. This underscores the necessity of combining legal instruments with collective action and support structures, if such laws are to meaningfully empower exploited workers and challenge the structural conditions that sustain their exploitation.

The case ultimately suggests that rights enforcement in transnational subcontracting contexts depends not only on legal innovation but on the capacity to build solidarity infrastructures that sustain mobilisation over time. Supply chain law can provide a framework for accountability, yet it remains inert without collective agency and communicative coordination among workers and supporters. In times of increasing hostility towards both migration and regulatory oversight, such instances of organised transnational solidarity reveal the fragile yet tangible possibilities for reclaiming rights within fragmented labour regimes. However, these possibilities remain uncertain, as current policy debates in Germany and at the EU level risk curtailing the transformative potential of supply chain regulation

LabourNet, 13 March 2025, <https://www.labournet.de/interventionen/asyl/arbeitsmigration/migrationsarbeit/proteste-von-lkw-fahrern-aus-simbabwe-fuer-slowakische-tochter-der-spedition-hegelmann-auf-verschiedenen-raststaetten-in-deutschland-frankreich-und-italien>.

⁶² L. Israël, 'Recht und soziale Bewegung: Wege zu einem neuen Dialog', *Zeitschrift für Rechtssoziologie*, vol. 39, no. 2, 2019, pp. 158–176, <https://doi.org/10.1515/zfrs-2019-0010>.

before it can fully unfold. At the same time, the Gräfenhausen case reminds us that collective organisation and solidarity have long enabled workers to claim rights even in adverse political environments. In that sense, it also points to the resilience of organised labour in adapting to changing economic structures and finding new forms of collective responses.

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