

## **Risk-based Regulation in Continental Europe? Explaining the Corporatist Turn to Risk in German Work Safety Policies**

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### ***Abstract***

*While having gained relevance in Anglo-Saxon scholarly and political debates, risk-based regulation seems to be a stranger to continental European settings. The more fragmented and often corporatist forms of decision making in countries such as Germany have been identified as key obstacles to a risk-based rationalization of policy interventions. Based on an in-depth case study of German work safety policies, this article nuances this account theoretically and empirically. It argues, firstly, that current risk-based regulation studies suffer from a systemic bias toward the competition-oriented forms of regulation so widely spread in the Anglo-Saxon world. They thereby misread the dynamics and rationalities of alternative regulatory approaches elsewhere in Europe. Secondly, as our policy analysis shows, this is especially true of corporatist and self-regulatory forms of policymaking, which characterize the case of German work safety. Rather than impeding the adoption of risk-based regulation, corporatist arrangements bear distinct structural features that render risk*

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*tools attractive. This finding goes beyond the scope of contemporary risk-based regulation scholarship. Unlike claimed for the Anglo-Saxon context, hopes of efficiency and effectiveness are not boosters for risk-based approaches in corporatist work safety policy arrangements. Instead, risk tools serve the structural need to sustain trust relationships, rationalize consensus finding, and promote solidarity within self-regulatory settings. We conclude that a corporatist type of risk-based regulation needs to complement the existing competition-based type to account for the spatial, functional, and ideological diversity of empirical cases of risk-based regulation. We also propose the first advances toward such a new research agenda, highlighting most importantly the necessity to trace the emergence and dynamics of specific types of risk-based regulation in research frameworks which can surmount national essentialism.*

**Keywords:** *risk-based regulation, corporatism, self-regulation, Germany, work safety, policy analysis*

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