

Dear Secretary Buenrostro:

The United States requests, pursuant to Article 31-A.4.2 of the United States-Mexico-Canada Agreement (USMCA), that Mexico conduct a review of whether a Denial of Rights is occurring at the San Martín mine, located in the vicinity of Sombrerete, Zacatecas (the Facility). As defined in USMCA Article 31-A.2, a Denial of Rights occurs when workers are being denied the right of free association and collective bargaining under laws necessary to fulfill a Party's obligations under the USMCA.

The United States is concerned that workers at the Facility are being denied the right of free association and collective bargaining in relation to the Facility's ongoing operations and the negotiation and implementation of various collective bargaining agreements. It appears that the Facility is engaging in normal production during an ongoing strike, without waiting for appropriate authorization from the Mexican courts.¹ It also appears that the Facility is collectively bargaining with a labor organization² not lawfully authorized to represent workers for the purposes of collective bargaining and is applying the agreements they negotiate with this organization at the Facility.

The actions, statements, and omissions encompassed by this request for review include those of any person or entity, including the owner and operator of the Facility, the unions and labor organizations, and any employees, representatives, or agents of the aforementioned entities.

If Mexico were to determine that there is a Denial of Rights, the United States further requests, pursuant to USMCA Article 31-A.4.2, that Mexico attempt to remediate within 45 days of this request.

We look forward to receiving Mexico's notification of whether it intends to conduct the requested review.³

¹ As the USMCA expressly recognizes, the right to strike is linked to the right to freedom of association, which cannot be realized without protecting the right to strike.

² *Los Trabajadores Coaligados*.

³ USMCA Article 31-A.4.2 ("The respondent Party shall have 10 days to notify the complainant Party as to whether it intends to conduct a review.").