

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 to workers at the General Motors de México facility in Silao, State of Guanajuato. 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 this facility are being denied the right of free association and collective bargaining. For example, significant concerns arise from events preceding, during, and surrounding an April 2021 vote for approval (“legitimación” or “legitimization”) of a collective bargaining agreement between General Motors de México (the Company)¹ and the “Miguel Trujillo López” union (the Union).² The United States understands that the legitimization process and vote, which was first announced to workers on April 5, 2021, was suspended by the Secretaría de Trabajo y Previsión Social due to its concerns about irregularities, including the destruction of ballots. This request for review therefore encompasses all actions and statements, by or on behalf of the Union or the Company, with respect to the legitimization process, including any action or statement contributing to the denial to any worker of the right to a personal, free, and secret vote on the legitimization of the collective bargaining agreement.

It appears that events in question involved violations of Mexican laws, including Article 390 Ter of Mexico's Federal Labor Law and the Eleventh Transitory Article in the Presidential Decree of April 30, 2019.

If Mexico were to determine that there is a Denial of Rights to workers at the General Motors de México facility in Silao, State of Guanajuato, 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 General Motors de México S. de R.L. de C.V. (the Company).

² Sindicato Nacional de Trabajadores de la Industria Metal-Mecánica, Sidero-Metalúrgica, Automotriz y Proveedoras de Autopartes en General, de la Energía, sus Derivados y Similares de la República Mexicana, "Miguel Trujillo López" (the Union).

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.”).