

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 a facility operated by Liber Gennesys and its affiliated or successor companies<sup>1</sup> in Tijuana, Baja California, Mexico (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 as a result of employer interference in workers' "concerted activities for collective bargaining or protection and to organize, form, and join the union of their choice," and "employer domination or interference in union activities, discrimination, or coercion against workers for union activity or support, and refusal to bargain collectively with the duly recognized union."<sup>2</sup>

This request for review encompasses all actions taken by the employer to intervene in, or prevent workers from engaging in, freedom of association and collective bargaining activities at the Facility, such as through dismissals, threats, or other reprisals against workers due to union-related activity, including unlawful dismissals related to: (1) suspected or recognized affiliation or friendship with union organizers, (2) participation in a union-related course, and (3) suspected or recognized affiliation with SITRABICS.<sup>3</sup> This request for review also encompasses all actions taken at the Facility to interfere with workers' right of free association and collective bargaining, including by coercively discouraging workers from forming a union and discussing unionization more generally, surveilling workers, and preventing workers from gathering in groups.

The actions encompassed by this request for review include any action or inaction by the employer, through its employees, representatives, or agents, acting individually or in coordination with third parties.

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.<sup>4</sup>

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<sup>1</sup> Liber Gennesys and several other companies providing transportation services between Hyundai facilities in Mexico and the United States, such as Transportista Kamu S. de R.L. de C.V., appear to share ownership and management of workers at the Facility.

<sup>2</sup> USMCA Article 23-A.2(a).

<sup>3</sup> The full name of the union is the *Sindicato de Transportistas de las Cadenas de Suministro* (SITRABICS).

<sup>4</sup> 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.").