



LABOR REFORM CONTINUES: NEW IMPAIRMENT RATING GUIDELINES FOR WORKERS' COMPENSATION

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While the process of LABOR MODERNIZATION is in full swing in Congress, the reform package advances slowly but surely.

This means that there is now a new impairment rating guideline under the Workers' Compensation Act. It has already sparked quite a debate and serious criticism as there are discrepancies and even significant disagreements regarding disability rating in similar cases.

All legal procedures were followed to overhaul the system and implement the new legal framework approved by the three parties involved: the Executive Branch, workers' unions, and business organizations.

Actually, effective February 5, 2026, a new disability rating scale will be applicable under the Workers' Compensation Act No. 24557, by application of Executive Order No. 549/2025 (Official Gazette of August 5, 2025), which set a period of 180 calendar days for rollout.

This new rating scale aims to modify the damages awarded in case of work-related injuries or diseases, including rehab and adding new health conditions, providing a foreseeable and objective evaluation framework.

This important step is a direct consequence of the *Ley de Bases Act No. 27742*, which provided for the amendment and reformulation of the different

institutions with a view to modernizing the State, improving government operations and ensuring that public management is transparent, agile, efficient, effective and high quality, prioritizing the common good and general welfare.

The goal is to offer legal certainty and more importantly, predictability, to avoid controversy or any disruptive effects in industrial relations.

In addition, remember that Act No. 27348 established a previous, mandatory and exclusive administrative stage before filing any claim with the District Medical Boards.

At such a stage, workers must have an attorney to ensure a fair process; the medical disorders claimed, whether listed or unlisted, should be assessed based on medical guidelines to evaluate the severity of the impairment, resulting in a percentage rating and the amount of awarded damages or compensation.

Accordingly, for the first time Executive Order No. 659/96 included a list of medical conditions to assess impairments, and Act No. 26773/2012 mandated its use as a guideline in both administrative and judicial proceedings.

Keeping such a rate scale up to date is essential considering all the developments that have taken place since 1996.

For instance, the Supreme Court of Justice of Argentina has found that disability claims are administrative or judicial matters that should be decided based on a scale, with uniform criteria, on a case-by-case basis, with some variables to account for exceptional but reasonable circumstances (Supreme Court of Justice of Argentina. Judgments 342:2056; 344:1906).

The Supreme Court also held that those rulings where the rating scale is not applied should comply with the respective legal rules and standards using restrictive criteria.

The Supreme Court also stated that those rulings are fully valid and legitimate as long as the procedures established by the Medical Boards are duly observed (Supreme Court of Justice of Argentina in re "Behrens, Roberto Oscar v Asociart ART S.A. on injury - special law November 11, 2024).

The Workers' Compensation Act also provided for the creation of a tripartite body (National Government, Employers, and Workers) whose opinions have included new health disorders, and modified disability rating, which are binding.

The Ministry of Human Capital, advocating for LABOR MODERNIZATION and as the law enforcement authority in workers' comp matters, has called a Committee to adjust the rating scale and design a new Work-Related Disability Evaluation Chart, which was approved unanimously according to Meeting Minutes No. 75 on December 3, 2024.

Finally, this newly-approved rating guideline replaces Annex I of Executive Order No. 659/96, and becomes effective after 180 calendar days following the passage of EO No. 549/2025 on August 5, 2025, i.e. February 5, 2026.

This deadline was established to account for adequate rollout and updating the relevant operating systems.

This is a new milestone that proves that LABOR MODERNIZATION is taking place across a wide range of areas, including rules and regulations to help ensure legal certainty, predictability and clear standards to build investors' trust and create a new model of industrial relations driven by emerging technologies.