



Labornet No. 1534

Dear All,

The Supreme Court of Justice of Buenos Aires (SCBA) rejected the challenge to the constitutionality of Section 55 of Law 27802.

Background Information: SCBA, Case File No. L. 130.895, “Fernández, Hilda Noemí v. Ozuna, José Antonio re: Termination”, Judgment dated October 21, 2026.

Summary of the ruling

The Supreme Court of Justice of the Province of Buenos Aires rejected the challenge to the constitutionality of Section 55 of Law 27802, which establishes a specific mechanism for adjusting labor claims in ongoing lawsuits and cases pending final judgment at the time the law came into force.

The Buenos Aires Supreme Court held that Section 55 does not violate the constitutional principles of equality before the law or the right to property. Any difference in the adjustment mechanisms for different scenarios lies in objective and reasonable parameters, and this challenge did not prove any violation of constitutional rights that would justify invalidating the provision.

Scope of Section 55

For the cases governed by the law, the mechanism provides for:

Adjustment: Apply default interest rates in accordance with the borrowing rate set by the Central Bank of Argentina (BCRA).

Ceiling: The result cannot exceed the historical capital adjusted according to the Consumer Price Index (CPI-INDEC), plus an annual rate of 3%.

Floor: The resulting amount cannot be less than 67% of the calculation established as the maximum limit.

The Buenos Aires Supreme Court ordered the application of these guidelines to this specific case and remanded the proceedings to the Lower Court to calculate the final award.

Practical implications for companies

This ruling sets a relevant precedent for the judicial interpretation of Section 55 of Law 27802 and provides predictability for the calculation of labor claims in pending litigation covered by the provision.

Consequently, it is highly advisable for companies to review any ongoing labor lawsuits and assess the economic impact of these legal adjustment guidelines on judicial contingencies, while still conducting a case-by-case analysis of each file.

Conclusion

This decision reaffirms the application of the adjustment mechanism under Section 55 of Law 27802 to the case under analysis and rejects, in these proceedings, the challenge to its constitutionality. The scope of this ruling must be evaluated in light of the specific circumstances of each case and the temporal scope of the provision.

Source: Supreme Court of Justice of the Province of Buenos Aires, Case File No. L. 130.895, “Fernández v. Ozuna”, judgment dated October 21, 2026.

Please feel free to contact us for further information.

Best regards,

Leading **Law Firm - de Diego & Asociados** [These reports are prepared by the Senior Consulting Team, a sophisticated team of lawyers specialized in labor and

employment law, with more than 40 years of solid experience serving clients with the latest trends, carefully selecting topics for Human Resources executives.]

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