

MEXICO'S SUPREME COURT OF JUSTICE CONFIRMS CONSTITUTIONALITY OF JUSTIFIED DISMISSAL WITHOUT TERMINATION NOTICE

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Executive Summary:

- On January 29th, 2024, Mexico's Supreme Court of Justice ruled that the last paragraph of Article 47 of the Federal Labor Law (LFT), as amended in May 2019, is constitutional. This decision allows employers to defend themselves by proving a justified termination of the employment relationship, even if they did not provide the employee with a termination notice.
- According to this ruling, the ability to present evidence to rebut the presumption in favor of the employee regarding the dismissal, thereby justifying the termination of the employment relationship, does not violate the employee's rights to full judicial protection, the guarantee of due process, the principle of legality, or procedural equality.

As a result of a case handled by this Firm from its beginning to its conclusion, the Second Chamber of the Supreme Court admitted, due to its exceptional interest, and unanimously ruled on January 29th, 2025, in a Direct Amparo in Review, confirming the constitutionality of the addition to the last paragraph of Article 47 of the LFT.

With this decision, it was confirmed that employers have the right to defend and prove the justification for a dismissal with counterevidence in labor litigation, regardless of whether they provided the termination notice directly to the employee or submitted it to a competent Labor Court.

This ruling upholds the principle of reality introduced

in the May 2019 amendment to the LFT over the mere formality of delivering the termination notice. While the absence of such notice continues to create an initial presumption in favor of the employee during litigation, this presumption can be rebutted if the employer provides objective and sufficient evidence that the termination of the employment relationship was justified, in accordance with the grounds established in the LFT.

This precedent, now supported by Mexico's Supreme Court of Justice, strengthens the position of employers in labor disputes within the current labor justice system and marks a turning point in the way employment dismissal conflicts are evaluated in the country.

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