

The Educational Institute of Scotland

Access to Pay Details Outwith the Workplace

Introduction

- 1.1 The following resolution was approved by the 2014 Annual General Meeting:

"This AGM instructs Council to put pressure on Local Authorities to establish the principle that teachers have the right to have access to their pay details outwith the workplace."

- 1.2 The resolution reflected a growing trend across Scotland's Councils in which pay slips are provided electronically to employees.

Legal Position

- 2.1 Section 8 of the Employment Rights Act 1996 states that:

"an employee has the right to be given by his employer, at or before the time at which any payment of wages or salary is made to him, a written itemised pay statement."

- 2.2 The legislation is designed to ensure that employees are able to check that they have been paid correctly and that they have had the correct deductions made. If an employee is unable to access details of pay there is a prospect of lodging a complaint at the Employment Tribunal.
- 2.3 The SNCT Handbook requires each Council, following consultation with the teachers' unions locally, to determine the method and frequency of payment of wages.

Implications of the Legal Context

- 3.1 The word "given" in Section 8 of the Act is significant. There is no entitlement to the information being given in paper copy and it is generally accepted in law that payment in an electronic format will generally satisfy the provisions of the Act.
- 3.2 However, the provision of electronic payslips raises three circumstances relating to limitations on pay statements being issued electronically through work e-mail accounts. These circumstances require to be raised through LNCTs. The first circumstance can occur when pay days occur during periods of annual leave.
- 3.3 The second circumstance relates to periods of sickness when an employee may be unable to access electronic payslips via the Council's intranet. The same principle should apply to those on family leave. While employers may argue that employees can

access pay slips remotely the legislation puts the onus of the employer to give the itemised pay statement.

- 3.4 The third circumstance arises when employees are required to produce pay advice slips for status purposes, for example, for mortgages, bank loans, insurance policies and work permits. Electronic payslips are often not accepted for such purposes. The solution to this would be for employers to issue, when required, copies of payslips which are officially stamped by the employer.

Conclusion

- 4.1 The terms of this paper should be copied to LA secretaries. There is no legal right to pay details being provided outwith the workplace. Local Associations should seek to negotiate to achieve that end recognising that progress is likely to be limited.
- 4.2 If a general move to paper copies of payslips cannot be obtained then a fall back negotiating position should be to seek to ensure that paper copies are provided to those who are on leave, including sick leave or family leave as well as annual leave. Local Associations should also seek provision for payslips which are stamped by the employer when such documentation is required for status purposes.