

## LEGAL UPDATE IN FRANCE

Harlay Avocats | December 2016 | Employment law

### Implementation of the electronic pay slip: the modalities are set up

The decree n°2016-1762 of December 16, 2016, which sets up the modalities of dematerialization of the pay slip and its conditions of accessibility has been published.

As from January 1<sup>st</sup>, 2017, the employer becomes authorized to issue the pay slip in electronic form, without having to require the employee's express consent. The electronic pay slip is then the rule by default, unless formally refused by the employee.

Such a remittance should be made under conditions that ensure not only the integrity of the data but also their accessibility and their confidentiality.

The employer, who decides to implement the electronic pay slip, has to inform the employee by any means bearing a certain date, one month prior to the implementation of digitisation or at the time of hiring, of their right of opposition to the issue of the pay slip in electronic form.

The right of opposition may be exercised by the employee at any time, prior to or after the first issue of a pay slip in electronic form, by any means bearing a certain date, the opposition taking effect as soon as possible and within three months further to its notification at the latest.

The employer will have to determine the conditions of availability to the employee of the pay slip issued in electronic form, the decree offering two options: **for a period of fifty years or until the employee reaches the age of 75 years.**

In the event of closure of the service ensuring the storage of pay slips issued in electronic form, users shall be informed at least three months prior to the closing date to allow them to retrieve the stored pay slips. In a general manner, users shall be able to retrieve at any time all their pay slips issued in electronic form, without complex or repetitive manipulation.

The employee will also be able to access to all pay slips issued in electronic form via a strong box integrated to the "compte personnel d'activité" (CPA). The employer or the service provider acting on its behalf will have to guarantee the accessibility to pay slips issued in such a form via such an on-line service.

*As registered training center, Harlay Avocats provides trainings notably employment law. Do not hesitate to contact Sophie BINDER ([sbinder@harlaylaw.com](mailto:sbinder@harlaylaw.com)) for any request of personalized training quote.*