



GO Benefits

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OPFA's new section 13A complaint form *what we discuss*

The OPFA's new section 13A complaint form and what your fund needs to know.

OPFA's new section 13A complaint form: what your fund needs to know

Complaints by funds against employers about contributions

A new form for an old problem

Most retirement funds know the frustration of an employer that does not pay contributions. This is proven by the fact that section 13A matters made up 44% of the complaints the Office of the Pension Funds Adjudicator (OPFA) closed in 2024/25.

The format of that complaint has changed as of 27 July 2026 and the OPFA has introduced a dedicated complaint form for section 13A complaints that a fund brings against a participating employer and any responsible person (see below for what is meant by “responsible person”).

This edition reminds boards what section 13A already requires of employers as well as what the new form means in practice. The new form is attached at the end.

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Executive summary

- The OPFA now has a dedicated complaint form for funds lodging a section 13A complaint against an employer or a responsible person. It replaces use of the ordinary member complaint form for these matters.
- The form asks the fund to set out specific information upfront: the period of non-compliance, the outstanding contributions and interest, the identity of the responsible person and whether jurisdictional issues such as time-barring apply.
- Eight categories of supporting documents must be attached. If the fund cannot supply one, it must give full reasons, or the OPFA may treat the complaint as not properly lodged.
- Complaints lodged on the new form qualify for the OPFA's expedited complaints process, which means they can be prioritised ahead of the ordinary queue, provided the documentation is in order.
- None of this changes what section 13A or Conduct Standard 1 of 2022 already requires of employers. It changes how a fund complains to the OPFA once it decides to act.

Meaning of "time-barred": Under the Pension Funds Act, the Adjudicator may not investigate a complaint about conduct that is more than three years old.

A reminder: what section 13A already requires of employers

Section 13A of the Pension Funds Act, together with Conduct Standard 1 of 2022, sets the rules employers must follow once they pay over contributions for members. These rules have not changed. They are the foundation the new complaint form is designed to help funds enforce.

The employer's payment and information deadlines under the Pension Funds Act

- Contributions are due to the fund no later than seven days after the end of the month for which they are payable.
- The minimum information required for a contribution schedule must be submitted within 15 days of the end of that month.

The Conduct Standard requires the employer to ensure that differences in membership data from month to month are provided to the fund.

In addition, the employer must provide any other information that may be relevant to the membership data. For example, information about upcoming changes that could affect membership data.

All information provided by an employer in contribution statements must be accompanied by a declaration by the employer that all employees eligible to be members of the fund are accurately reflected in the contribution statement. This ensures that eligible employees become members of the fund and that the employer is responsible for this.

Interest on late payment

Where an employer pays contributions late, statutory compound interest is payable at the prime lending rate plus two percent per annum, calculated from the day after the due date until the date the fund actually receives the money. This interest forms part of the fund's investment income. The interest may not exceed the principal debt owing, inclusive of the costs of recovering it.

The responsible person

The Pension Funds Act requires the fund to identify the person or persons responsible for the payment of contributions and provisions of contribution information to the fund. For example, for an employer that is a company this would be the directors regularly involved in the management of the company's financial affairs, such as the financial director. The employer must give that identity to the fund when the fund asks for it in writing, and it forms part of the minimum information the employer submits each month. If the employer does not identify the person, every director of the employer becomes personally liable. That person(s) can be held personally liable if the employer fails to comply with section 13A, which is why the new OPFA form asks for their details directly.

What the fund itself must do



Notify every employer of its section 13A duties, obligations and liability before it starts participating in the fund and again every year after that, in the format the FSCA prescribes. In many cases, the fund's administrator attends to this action and retains the evidence.



Have a reporting chain in place: whoever checks receipt of contributions (usually the administrator) must flag any non-compliance to the principal officer or monitoring person within 15 days after the minimum information was due. That person must then report it to the board in writing within a further seven days.



Within 30 days of the board being told in writing of a material failure, notify the affected members (or, if they can't be identified, all members affected by that employer) and separately report the failure to the FSCA, in the prescribed format, together with the fund's proposed plan to remedy it.



If the failure is regarded as material (by the board of fund) and is still unresolved 90 days after it began, report it to the South African Police Service and notify the affected members again. Both steps must happen within 14 days of that 90-day mark.

The criminal sanction

Section 37 of the Act makes non-compliance with section 13A a criminal offence. A person convicted faces a fine of up to R10 million, imprisonment for up to 10 years, or both. This is the backdrop against which the OPFA's new complaint form operates. It exists to make sure a fund can prove all of the above when an employer falls short.

The new section 13A complaint form

Section 13A complaints are different from ordinary member complaints. They usually involve a fund seeking relief against an employer, and sometimes a named individual, for non-payment or non-submission. The OPFA needs specific information to investigate them properly.

The OPFA's stated aims are:

- Improve the quality of complaints reaching it,
- Reduce delays caused by incomplete submissions,
- Promote a consistent process across the industry,
- Identify responsible persons and flag jurisdictional issues early, and
- Reinforce the importance of timely payment.

The information requested in the form

- *Fund details*: name, registration number, registered address, contact person and administrator.
- *Employer details*: registered name, trading name, CIPC registration number, fund participation date and contact details.
- *Responsible person details*: name, ID number, capacity and address. Where there is more than one responsible person, each one needs a separate annexure.
- *The relief sought*: submission of outstanding contribution schedules, payment of outstanding contributions and payment of late payment interest under section 13A(7).
- *Two jurisdictional questions*: whether the fund has already instituted civil proceedings over the same contributions and whether any part of the non-compliance is older than three years and therefore potentially time-barred under section 30I. If so, the fund must give full reasons why the complaint should still be heard.

The supporting documents checklist

The OPFA may regard the complaint as not properly lodged if the documents below are missing and no reason is given for the gap.

Annexure	Document
A	Fund resolution or other document authorising the complaint against the employer and responsible person
B	Extract of the relevant fund rules dealing with the payment of contributions
C	List of affected members
D	Reconstruction schedule showing the periods when contribution schedules were not submitted and when contributions were not paid
E	Calculation and total amount of the outstanding contributions and interest under section 13A(7)
F	CIPC report showing the employer's directors or members
G	Notice to the employer under section 13A(9)(a) ¹
H	Employer's response to the fund's notice under section 13A(9)(a)

Expedited handling

OPFA's expedited complaints policy already recognises non-payment complaints from funds as a category that may warrant faster handling. Complaints on the new form can be identified and prioritised at the outset, rather than sitting in the ordinary first-in, first-out queue. Parties may be given shortened timeframes to supply any information still missing.

A well-documented complaint can, thus, move quickly. An incomplete one is likely to be rejected as not properly lodged before it even reaches the faster prioritised track.

Practical tips for a fund

TIPS

- Keep the section 13A(9)(a) notices to the employer, and any response received, on file as a matter of course, not only once a dispute is already underway.
- Ensure you complete a fund resolution authorising a complaint against the employer and can produce this quickly when needed.
- Ask your administrator to reconcile outstanding contributions and calculate the section 13A(7) interest before complaining, so the reconstruction schedule and calculation are ready.

- Do a CIPC search for the employer's directors or members before complaining.
- Where non-compliance has been running for close to three years, do not wait. A complaint on a time-barred period needs its own full motivation under section 30I, and that is easier to make the sooner it is raised

Please contact your Consultant should you require further information or clarification.

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¹ A fund must request the employer in writing to notify it of the identity of the person personally liable for payment of contributions and submission of contribution information.



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RETIREMENT FUND COMPLAINT FORM

For complaints lodged by a Fund against a Participating Employer and Responsible Person/s for non-compliance with section 13A of the Pension Funds Act, 1956 ("Act")

1. RETIREMENT FUND DETAILS

Name of Fund:	
Fund registration number:	
Registered address:	
Name of contact person:	
Email address:	
Telephone number:	
Name of administrator:	
Administrator contact details:	

Please notify us immediately when there is a change of contact details

2. EMPLOYER AGAINST WHOM COMPLAINT IS LODGED

Registered name of employer:	
Trading name (if applicable)	
CIPC registration number:	
Fund participation date:	
Email Address:	
Telephone Number:	
Address:	

3. RESPONSIBLE PERSON AT EMPLOYER AGAINST WHOM THE COMPLAINT IS ALSO LODGED

The person to be held personally liable for compliance with section 13A of the Act

Name of Responsible Person:	
ID number:	
Email Address:	
Telephone Number:	
Capacity (Director/Member/other)	
Address:	

If there is more than one responsible person, then attach an annexure setting out the details above in respect of each such responsible person.

4. SUPPORTING DOCUMENTS TO BE ATTACHED BY THE FUND

(The OPFA may consider the complaint not properly lodged if one or more the documents listed below are not supplied)

Annexure	Document	Tick if submitted
A.	Fund resolution or other document authorising the lodging of the complaint against the participating employer and responsible person/s	
B.	Extract of relevant rules dealing with the payment of contributions	
C.	List of affected members	
D.	Reconstruction schedule indicating the periods when: - contribution schedules were not submitted by the participating employer - contributions were not paid by the participating employer	
E.	A calculation and total amount of the outstanding contributions and interest in terms of section 13A(7) of the Act	
F.	CIPC report in respect of the participating employer indicating the names of the directors or member of the employer	
G.	Notice by fund to employer in terms of section 13A(9)(a) of the Act	
H.	Employer's response to fund's notice in terms of section 13A(9)(a)	
If any of the documents listed above have not been supplied, please provide full reasons why:		

5. RELIEF SOUGHT

The fund seeks relief against the Participating Employer and Responsible Person/s for:

- Submission of outstanding contribution schedules
- Payment of outstanding contributions
- Payment of late payment interest in terms of section 13A(7) of the Act.

as set out in Annexures D and E hereto.

6. JURISDICTION

1. Has the fund instituted legal proceedings in a civil court against the Participating Employer and/or Responsible Person/s in respect of the contribution schedules and/or contributions that are the subject matter in this complaint?

Yes ☐ No ☐

If "Yes", attach a copy of the Summons and Particulars of Claim

2. Are any of the periods of non-compliance referred to in this complaint older than 3 (three) years from the date of lodging this complaint?

Yes ☐ No ☐

If "Yes", provide full reasons why this complaint should not be time-barred in terms of section 30I of the Act:

By lodging this complaint form with the Adjudicator, the fund confirms that it agrees to or is aware of the following:

- ❖ You wish the Adjudicator to investigate your complaint;
- ❖ The Adjudicator is assisted, in fulfilling his functions, by staff employed by the Office of the Pension Funds Adjudicator (OPFA);
- ❖ Information submitted by you to the Adjudicator will be processed for the purpose of investigating and adjudicating the complaint;
- ❖ The Adjudicator will at all times seek to protect personal information as far as may be reasonably practicable;
- ❖ The Adjudicator is required, by law, to keep a permanent record of the proceedings relating to the adjudication of a complaint and the evidence given. Any member of the public may obtain a readable copy of the record on payment of a fee determined by the Adjudicator. This means that personal information submitted to the Adjudicator by any party to a complaint may be obtained by any member of the public;
- ❖ You give consent to the Adjudicator forwarding any information submitted by you to an ombudsman with jurisdiction, if the complaint does not fall within the Adjudicator's jurisdiction;

- ❖ Where your complaint does fall under the Adjudicator's jurisdiction, any personal information submitted by you will be shared with any of the relevant parties to the complaint to afford them an opportunity to respond to the complaint – this may include details of minor children (if applicable), i.e. birth certificates of minors or any similar document, where they are beneficiaries with regards to death benefit claims;
- ❖ You may object to the sharing of personal information with other parties. Should this be the case, then the Adjudicator will not investigate the complaint and the file will be closed.
- ❖ Please note that once a determination is issued, the OPFA may publish the details of such determination in a law report, website or media publication. By signing and lodging this form with the Adjudicator you give the OPFA consent to such publication.
- ❖ You confirm and declare that the information in this Complaint Form is complete, accurate and not misleading. Any changes to the information submitted, including your contact information, will be submitted to the Adjudicator without delay.

DATE:	
SIGNATURE:	
FULL NAME:	
CAPACITY:	