

How to apply for a Letter of Compliance (LOC)

What is a Letter of Compliance?

A Letter of Compliance (LOC) is issued by CWPS to confirm that Pension, Death-in-Service and Sick Pay contributions for an employer's eligible employees are paid up to date in accordance with Scheme rules.

A Letter of Compliance:

- is only issued after compliance has been confirmed by CWPS (see below)
- is issued ONLY by e-mail and/or post
- has a security hologram on the top right hand side
- e-mailed PDF version cannot be printed but the email can be sent on to the client/contractor requesting it
- cannot be faxed as it must be presented as an original or in PDF format only.



To get a Letter of Compliance, employers must be fully up to date with Pension, Death-in-Service and Sick Pay contributions for all their eligible employees.

COMPLIANCE - WHAT WE REQUIRE

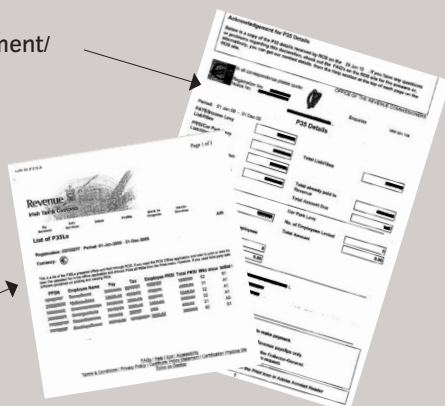
CWPS must receive evidence in the form of either a full copy of the P35L for the previous tax year or a letter from the employer's auditor/accountant confirming compliance for the previous tax year for all the employer's eligible employees.

P35L

A full copy of the P35L for the previous tax year to include the following:

- The declaration/acknowledgement page of the P35 (the page showing the total PRSI/PAYE figures).
- A list of all employees who are not covered by the REA (these could include Directors, Office Staff and those employees under the age of 20 years or over 65 years) must be provided on headed paper or by email.
- A date of birth must be provided in all cases where an employee is ineligible on age grounds.
- **If discrepancies are found, these must be resolved before a Letter of Compliance can be issued.**

P35 acknowledgement/declaration page



Sample P35L

OR

Auditor/Accountant letter

An Auditor/Accountant's letter must include the following:

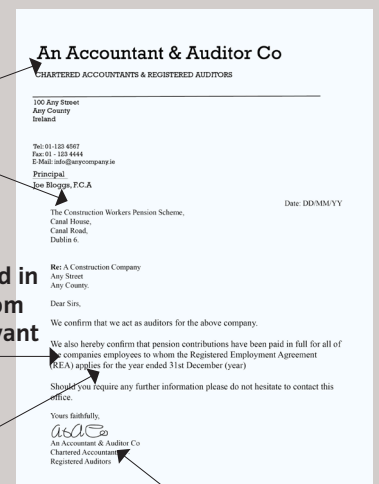
- In the case of a limited company, the letter must confirm that the auditor acts as the auditor to the company.
- In the case of an audit exempt company, the letter must confirm that the accountant acts as the company's accountant and that the company is audit exempt.
- In the case of a sole trader/partnership, the letter must confirm that the accountant acts as the employer's accountant.

Must be on the auditor's/accountants headed paper and dated.

Must be addressed to CWPS

Must confirm that all contributions have been paid in full for all employees to whom the REA applies for the relevant year.

Must specify the year



Must be signed

Important notes regarding Letters of Compliance

- Evidence of compliance for the previous Tax Year must be provided to CWPS by March 5th each year.
- The name of the project and Public Body/contract must be supplied to CWPS at the time the Letter of Compliance is requested.
- All pension contributions must be paid up to date for all of the employer's eligible employees.
- A Letter of Compliance will be issued within three days once the applicant is compliant.
- Where an employer is under investigation by one of the monitoring bodies (the Construction Industry Monitoring Agency (CIMA) or EPACE) it may result in the delay of a Letter of Compliance being issued until the outstanding matters have been resolved.
- ***The Construction Workers Pension Scheme retains the right to retract Letters of Compliance if an employer subsequently becomes non-compliant and the client/contractor will be notified.***

No employees or Newly registered employers

If an employer does not have any employees registered with CWPS at the time of request, a Letter of Compliance can be issued, subject to confirmation in writing from the employer's accountant/auditor of the period/s where there are no employees. Evidence of compliance for the previous tax year must also be provided to CWPS to verify compliance for that year.

If a new employer is registering in CWPS, a Letter of Compliance can be issued once the following criteria is satisfied - **An advance payment of 13 weeks contributions (with effect from the date of employer registration) is paid to the Scheme by electronic banking or bank draft for each eligible employee.**

Some Exceptions

Employer not covered by REA

If an employer does not fall under the remit of the Registered Employment Agreement, Letters of Compliance should not be required by the client/contractor. However, if these employers follow all the necessary procedures the Scheme will issue a Letter of Compliance.

Posted Workers

Letters of Compliance do not cover any 'posted workers' working in Ireland.

What are employers legal obligations?

Under the terms of the Registered Employment Agreement (REA), all employers in the construction/electrical contracting industries must provide Pension benefit, Death-in-Service and Sick Pay cover for all their manual workers aged between 20 and 65.

You can get a copy of the REA from:

The Labour Court, Tom Johnson House,
Haddington Road, Dublin 4
or www.labourcourt.ie

A Letter of Compliance can be requested by quoting the following:

CWPS Employer ID Number and the name of the project/client and in the case of a sub-contractor the name of the main contractor/site:

Email: loc@cwps.ie
Fax: (01) 5077425
Phone: (01) 4071437 or (01) 4977663 Ext. 4300
Visit: www.cwps.ie

A full policy document is available on request or from our website www.cwps.ie