

**SUBMISSION TO THE DEPARTMENT OF LABOUR PARLIAMENTARY
COMMITTEE ON LABOUR**

TITLE OF THE BILL: EMPLOYMENT EQUITY AMENDMENT BILL, 2012

**SUBMITTED BY THE HEALTH PROFESSIONS COUNCIL OF SOUTH
AFRICA (HPCSA)**

1. The HPCSA

Mandate and objects

The Health Professions Council of South Africa (hereinafter referred to as "the HPCSA") was established in terms of the Health Professions Act 56 of 1974. The key mandate of the HPCSA is to protect the public and guide the health professions. Some of the key objects and functions of the HPCSA are:

- to serve and protect the public in matters involving the rendering of health services by persons practising a health profession (*Section 3 j* of the Act);
- to uphold and maintain professional and ethical standards within the health professions (*Section 3 m*)

Professional Board for Psychology

The Professional Board for Psychology is one of the 12 professional boards constituting the HPCSA (established in terms of the Health Professions Act). Among others, the Professional Boards are mandated:

- to maintain and enhance the dignity of the relevant health profession and the integrity of the persons practising such profession (*Section 15A subsection g*); and;
- to guide the relevant health profession or professions and to protect the public (*Section 15A subsection h*)

Like all the other boards, the Professional Board for Psychology derives its

mandate from the Health Professions Act. The scope of the profession of psychology was promulgated in September 2008 (See Regulations R 993). In terms of the Act, the following are some of the acts that are deemed to be falling within the scope of the profession of psychology:

- the evaluation of behaviour or mental processes or personality adjustments or adjustments of individuals or of groups of persons, through the use or interpretation of any psychological test, questionnaire, instrument, apparatus, device or similar method for the determination of intellectual abilities, aptitude, interests, personality make-up or personality functioning, and the diagnosis or measurement of personality and emotional functions, neuropsychological disorders and mental functioning deficiencies according to a recognised scientific system for the classification of mental deficiencies (*Section a*);
- the evaluation of emotional, behavioural and cognitive processes or adjustment of personality of individuals or groups of persons by the usage and interpretation of psychological questionnaires, tests, projections, or other techniques or any apparatus, whether of South African origin or imported, for the determination of intellectual abilities, aptitude, personality make-up, personality functioning psycho physiological functioning or psychopathology (*Section c*);
- the exercising of control over prescribed psychological questionnaires or tests or prescribed techniques, apparatus or instruments for the determination of intellectual abilities, aptitude, personality make-up, personality functioning, psychophysiological functioning or psychopathology (*Section d*); and,
- the development of and control over the development of psychological questionnaires, tests, techniques, apparatus or instruments for the determination of intellectual abilities, aptitude, personality make-up, personality functioning, psychophysiological functioning or psychopathology (*Section e*).

2. Psychometric testing: History and background

The development of psychological testing in South Africa developed in an environment that was characterized by the unequal distribution of resources based on racial categories (black, coloured, Indian and white). Consequently, psychological testing was used as a tool to perpetuate the colonial and apartheid myths of white supremacy and black inferiority. The advent of a democratic dispensation saw the transformation of psychology to a profession that started to be responsive to the socio-cultural needs of the South African people.

3. The need to regulate psychological testing in South Africa

- Looking at the mandate of the Professional Board for Psychology regarding the scope of the profession of psychology, it is therefore evident that the field of psychometric testing should be controlled and regulated by the Health Professions Council of South Africa.
- The history of psychological testing in South Africa demonstrates that these instruments are a powerful tool that can be used to decide the fate and destiny of individuals and communities. Such decisions impact on the future of people in terms schools they can attend, opportunities they can be exposed to etc. It is therefore important to ensure that such measures are appropriately regulated.
- There are many psychological tests that are currently flooding the market. In some cases, access to these instruments is unlimited (e.g. through the internet). The use of these instruments will thus need to be controlled to ensure that the public is not exposed to activities that can harm them.

4. Proposals by the Board regarding the amendment

The HPCSA has looked at the proposed amendment and would like to

suggest the following changes to it:

Psychometric [**Psychological**] testing and other similar assessments of an employee are prohibited unless the test or assessment being used –

(d) "has been certified by the Health Professions Council of South Africa established under the Health Professions Act, 56 of 1974 or any other body appointed or delegated by the Health Professions Council of South Africa to certify such tests or assessments."
