



# **Public submission concerning the Employment Equity Amendment Bill [B31 – 2012]**

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Portfolio Committee on Labour Public Hearings

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# Overview of Session



- The role of the Society of Industrial & Organisational Psychology for South Africa
- Observations regarding Section 8 of the Employment Equity Act (1998)
- Overview of the Society's commentary & specific points raised
- Recommendations for the way forward



# **About the Society of Industrial & Organisational Psychology of South Africa (SIOPSA)**



# Society for Industrial & Organisational Psychology of South Africa (SIOPSA)



- The Society's mission is to help develop a fair and humane work environment, enabling people to reach their full potential and experience a high quality of work life in South Africa.
- To this end, the Society strives to create conditions in which Industrial and Organisational Psychologists will be able to deliver efficient and effective services to the benefit of all in South Africa.
- Our objectives include, amongst others:
  - Enhancing the credibility of the discipline and promoting public awareness
  - Promoting excellence in training and development
  - Promoting available, accessible and affordable professional services
  - Providing good practice guidelines
  - Defining, monitoring, promoting and adhering to the statutory regulations and ethical guidelines of the profession

# People Assessment in Industry (PAI)



- Established in 1998 to engage stakeholders concerning psychological assessment in South African industry
- Purpose is to ensure testing exists in the South African context as a value adding and ethical practice
- PAI as a stakeholder group gave input to Parliament on the wording relating to psychological assessment as it stands in Section 8 of the 1998 Employment Equity Act
- Past activities include publications dedicated to providing guidance to practitioners in terms of ethical test use, for example:
  - Guidelines for the Validation and Use of Assessment Procedures for the Workplace (2005)
  - Code of Practice for Psychological and Other Similar Assessment in the Workplace (2006)



# **Observations regarding Section 8 of the Employment Equity Act (1998)**



# Section 8 of EEA (No. 55 of 1998)



***“With the promulgation of the act in 1998, users of pre-employment testing and assessments and organizations braced themselves for a deluge of court cases”***

*(Kriek & Dowdeswell, 2010 in “Adverse Impact: Implications for Organizational Staffing and High Stakes Selection”)*

- To date, very little to no South African case law relates specifically to employment testing and Section 8 of the EEA.
- The provisions of the EEA have increased awareness of employers with regard to the employment practices and procedures they implement



# Overview of the Society's commentary & specific points raised



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**For attention:**  
Portfolio Committee on Labour  
Public submission concerning:  
Employment Equity Amendment Bill [B31 – 2012]

Submitted by the Society of Industrial &  
Organisational Psychology of South Africa (SIOPSA)

Compiled, on behalf of the Society for Industrial and Organisational Psychology of South Africa (SIOPSA), by  
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# Overview of PAI's commentary



- The proposed amendment presupposes the existence of a certification process that is acceptable to all stakeholders, meets good practice standards, is fit-for-purpose and practically implementable
- Individual members and SIOPSA as a professional body acknowledge the need for control to be exercised over certain types of assessment (not only employment-related assessment)
- The necessary control can be achieved through the establishment of a considered and comprehensive test classification framework



# Specific points raised

***Section 8 of the current Act has a broader definition of assessment than the current test classification policy of the HPCSA***

## Current Employment Equity Act

- “...psychological tests *and other similar assessments*...”
- (e.g. assessment centres, in-baskets, interviews, competency-based instruments, etc.)

## HPCSA Policy on Classification

- “...two general psychological test classification categories, namely:
  - Psychological tests...
  - Prescribed tests used by other professionals...”

- The proposed amendment:
  - overlooks ‘other similar assessments’ are not psychological in nature, and that Health Professions are not the only that use assessment tools and procedures
  - imposes a requirement practically impossible to implement and execute

# Specific points raised



***The proposed changes will not ensure that the anti-discrimination clause of the Employment Equity Act will be satisfied***

- Psychological tests but also other similar assessments render information that is used in employment practices to inform decisions about employees
- The manner in which this information is used to inform the decision determines whether the decision discriminates fairly or unfairly between employees



# **Recommendations for the way forward**



# Recommendations for the way forward



- The phrasing of Section 8, as promulgated in 1998, has provided an effective guide to organisations and test users regarding legal and ethical testing practices in South Africa. No amendments are necessary to continue to do so.
- Consider the practical implications the proposed amendments bring, and the feasibility of requiring another Department to carry out the certification process.
- Should the proposed amendments be passed in their current form, clearly define what is included in the phrase 'other similar assessments'



## THANK YOU

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