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## Basic Guide to Medical and Psychometric Testing

Employers may not force their workers or job applicants to undergo medical or psychometric tests.

### Application

The Employment Equity Act applies to all employers, workers and job applicants, but not members of the –

- National Defence Force;
- National Intelligence Agency; and
- South African Secret Service.

The provisions for affirmative action apply to –

- employers with 50 or more workers, or whose annual income is more than the amount specified in Schedule 4 of the Act;
- municipalities;
- organs of State;
- employers ordered to comply by a bargaining council agreement;
- any employers who volunteer to comply.

### See

- Employment Equity Act

Applies to all employers and workers and protects workers and job seekers from unfair discrimination, and also provides a framework for implementing affirmative action

### Medical Tests

Employers may not force workers or job applicants to undergo a medical test unless –

- the law permits or order it; or
- it is acceptable because of –
  - medical facts;
  - employment conditions;
  - social policy;
  - the fair distribution of benefits; or
  - job requirements.

Testing workers for HIV/AIDS is illegal unless the Labour Court orders it.

*Based on Legislation in Section 7, of the Employment Equity Act*

### Psychometric Tests

Psychometric testing of workers or job applicants is illegal unless the tests –

- have been proved valid and reliable;
- are fair to all workers; and
- do not discriminate against a worker or group.

*Based on Legislation in Section 8, of the Employment Equity Act*