

OPEN LETTER
Disability Discrimination and Equality: Electro-Sensitivity in the Workplace

June 2018

Dear Sir/Madam,

I am writing to support the person who has given you this letter. He/she suffers from Electro-hyper-sensitivity (EHS), a condition which can be severely disabling, where electrical and wireless devices can cause a wide range of serious symptoms.

The following background information may be helpful.

- (a) The [Health and Safety at Work Act 1974](#) requires a general duty of care from every employer to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees, and that persons not in his/her employment are not exposed to risks to their health or safety ([2\(1\)](#), [3](#)).
- (b) The [Management of Health and Safety at Work Regulations 1999](#) require competent people to fulfil statutory responsibilities, risk assessments and appropriate health surveillance, such as Occupational Health Advisers.
- (c) The [United Nations' Convention on the Rights of Persons with Disabilities](#) (ratified by UK, 2009) prohibits all discrimination on the basis of disability, and requires all appropriate steps to provide reasonable accommodation (Article 5.2-3). Canada, Sweden and the USA list EHS among disabilities.
- (d) The UK's [Equality Act 2010](#) requires reasonable steps to avoid disadvantage from physical features which disadvantage a disabled person ([20.4](#)). For recruitment, an employer can only ask about disability if there are job requirements which cannot be met with reasonable adjustments ([Recruitment](#)).
- (e) The UK's [Flexible Working Regulations \(2014\)](#) allow employees to request changes to their work arrangements to suit their needs.
- (f) DWP's Guidance: "[Employing disabled people and people with health conditions](#)", updated August 1 2017.
- (g) The [EUROPAEM EMF Guidelines \(2016\)](#) give limits for sensitive and other people.
- (h) The HSE's "[Electromagnetic Fields at Work: A guide to the Control of EMFs at Work Regulations: 2016](#)", for 'employees at particular risk' (e.g. pregnant women, people with active implants, etc.) requires the employer (i) to undertake a risk assessment and (ii) to make reasonable adjustments.
- (i) A 'Letter of Grievance' can cover discrimination and H&S concerns, as a formal complaint to an employer after a failure of informal resolution to a problem, but before legal action at an Employment Tribunal. ([Gov.UK](#), [ACAS](#), [Citizens Advice](#))

'Reasonable adjustments', made by employers for people disabled by Electro-sensitivity in offices, hospitals, schools and transport, include:

- (i) Switching off WiFi and using a wired network instead.
- (ii) Banning the use of mobile phones and iPads or other wireless devices.
- (iii) Shielding an office or workplace by using protective paint and netting.
- (iv) Allowing the employee to work at home if that is a safe environment.

The USA's Department of Labor's [Job Accommodation Network \(JAN\)](#) has some useful ideas on 'Accommodations for Electrosensitivity'.

Law-courts and tribunals around the world, including the UK, increasingly award financial compensation for Electro-sensitive individuals because of a disabling environment caused by high levels of EM exposure. Since 2013 tribunals in the UK have awarded individuals ESA (Employment and Support Allowance), PIP, or JSA exemptions, because of EHS.

As a charity we aim to work with employers, schools and providers of public facilities like shops, libraries and transport, to enable people with this disability to lead full lives like other members of society, as required by the Equality Act 2010. We are especially concerned that (a) children can fully access a normal school education, (b) the ill or elderly can access surgeries and hospitals, (c) employees can remain in employment, and (d) people with EHS can stay in their homes.

We can be contacted through our helpline (0845 643 9748: recorded message for call-back), by email to enquirers@es-uk.info, or at the address above.

Yours faithfully,

Michael Bevington
Chair of Trustees, ElectroSensitivity UK

NOTES

1. The condition of Electro-(hyper-)sensitivity was first described in the medical literature in the 1930s when radio, radar and electrical appliances became common. It is also known as Microwave Illness, Radio Wave Sickness, or Ideopathic Environmental Intolerance attributed to Electro-Magnetic Fields.
2. Some 3.1-3.8% of the general population have moderate Electro-sensitivity. In comparison, 1.3-1.8% of UK children suffer from nut or anaphylactic allergies.
3. The [ICNIRP](#), which the UK government says that it follows, warned governments in 2002 that "certain sensitive individuals" need non-thermal limits lower than its 1998 heating limits.
4. The [European Parliament](#) in 2009 voted that the ICNIRP's heating limits, still used in the UK, were 'obsolete' and should be replaced by biological limits.
5. The Parliamentary Assembly of the [Council of Europe](#) voted in 2011 for governments to provide 'white zones' ('green' areas free of wireless radiation) for Electro-sensitive people.
6. Biological limits for sensitive people and other people are given in the [EUROPAEM EMF Guidelines \(2016\)](#). See also: [International Building Biology Guidelines](#) (2008).
7. The [World Health Organization](#) recognises the symptoms of Electro-sensitivity (e.g. severe headaches, heart palpitations, nausea, dizziness, pains in limbs, memory loss, tinnitus, etc.) as 'real' and that they can be 'disabling'. Also coming under the Equality Act of 2010 is the separate disabling condition of Electrophobia or psychological fear, with which physical Electro-sensitivity is sometimes confused.
8. The [World Health Organization's IARC](#) classifies EM fields and EM radiation, including WiFi and mobile phones, as 2B possible cancer agents (2001, 2011); EMFs and RF also have known neurological effects.
9. See [ES-UK Selected Studies](#) and [Rev Envir Health \(2015\)](#) for detailed studies.
10. Useful websites: [Austrian Med. Ass. EMF Guidelines](#); www.electromagneticman.co.uk; www.electrosensitivity.co; www.es-uk.info; www.magdahavas.com
11. The Bioinitiative Report of 2012 (www.bioinitiative.org).
12. UK Government: "[Get help at work if you're disabled or have a health condition \(Access to Work\)](#)"; "[Reasonable adjustments for workers with disabilities or health conditions](#)". [Scope](#).