

# ES/EHS, Legal Matters and Early Retirement

## ES/EHS and Legal Matters:

- Exposure to Radio Frequency Radiation (RFR) and Electromagnetic Fields (EMFs) can cause ill health, including cancer, and functional disability or functional impairment.
- Ill health and functional disability caused by RFR/EMFs are symptoms of Electrosensitivity (ES) and Electromagnetic Hypersensitivity (EHS).
- They are covered in part under UK legislation, including:
  - The Health & Safety Act, 1974
  - The Equality Act, 2010
  - Control of Electromagnetic Fields at Work Regulations, 2016
- The Health & Safety Act 1974 and the Equality Act 2010 do **not** require a medical or legal letter for the Act to apply and be acted upon. Examples include the following.
  - An employer must ensure that work premises are safe for all employees and visitors at all times. Expectant mothers are at particular risk (Control EMFs, 2016).
  - In a service or transport setting, a medical or legal letter is **not** usually required for action over a functional disability or impairment.

Thus, a transport provider must ensure there is no discrimination, harassment or victimisation of a disabled person and can request that passengers restrict the use of mobile wireless devices to help a person who informs them that they have EHS.
- However, in particular circumstances, such as assessment for an early retirement pension on health grounds, it may be useful or required for the person concerned to have a medical opinion specific to the individual. This opinion could be written by the person's GP or, for an employee, by an Occupational Health Advisor, especially if the ES/EHS was caused by RFR/EMF exposures on the employer's premises or during employment by the employer.
- Citizens Advice can be very helpful, including on Access to Work and Universal Credit.

## 1. Medical Advice

- Consult your General Practitioner (GP) to clarify the extent of the ill health and functional disability caused by your electrosensitivity (ES) or electromagnetic hypersensitivity (EHS).
- Whether you come under the Equality Act depends on whether your disability or impairment has 'a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities'. This excludes minor effects. Each person has different disabilities or impairments because of their ES/EHS, so there is no universal template.
- GPs unfamiliar with ES/EHS can find information at [www.es-uk.info/resources](http://www.es-uk.info/resources) or below.
- If you use private medical services, you could find a doctor experienced in environmental medicine through the British Society for Ecological Medicine (<https://www.bsem.org.uk>).
- Charities like Electrosensitivity UK (ES-UK) cannot usually give individual medical advice.

## 2. Legal Advice

- Find a lawyer experienced in the relevant area, e.g. employment law or housing law, who is willing to take on a case involving environmental health injuries.
- Ensure that you have an agreed remit covering costs and the scope of the lawyer's involvement and representation before you sign any document showing that you agree for the lawyer to proceed on your behalf.
- Charities like Electrosensitivity UK (ES-UK) cannot usually give individual legal advice.

## Early ill-health Retirement Pension because of EHS for employee with EHS: 2022 UK case

In 2022, an employee's request for early ill-health retirement on the grounds of EHS was refused. Therefore, the employee appealed against this refusal. A doctor wrote a detailed medical report diagnosing EHS and showing that in the employee's case it was disabling according to the 2010 Equality Act's definition of disability. It included detailed explanations showing how the employee met these criteria. This report also gave background material on EHS designed for medical doctors, since the Independent Registered Medical Practitioner (IRMP), who makes the final decision in such cases, is an occupational health physician.

The registered occupational health physician concurred with the report. Therefore early ill-health retirement on full pay, Tier 1, was granted, without the employee needing to take the case to a Tribunal Court. A Tribunal Court would have been the next stage if the employee had not won at this first appeal against the initial ruling.

The employee was granted the early retirement pension specifically on the basis of Electromagnetic Hypersensitivity (EHS) rather than any other medical diagnosis.

("59 year old social worker wins 'early ill health retirement' for disabling 'Electromagnetic Hypersensitivity (EHS)" PHIRE: Press Release, June 15 2022

<https://phiremedical.org/wp-content/uploads/2022/06/Press-Release-EHS-Social-Worker-granted-long-term-ill-health-pension-UK-Named.pdf>)

### 3. Further Information

If more information is needed, see the following websites.

<b>Organisations providing information on ES/EHS and legal issues</b>				
	<b>Name</b>	<b>Country</b>	<b>Heading</b>	<b>Website</b>
ES-UK	Electrosensitivity UK	UK	Resources	<a href="https://www.es-uk.info/resources/">https://www.es-uk.info/resources/</a>
EHT	Environmental Health Trust	USA	Electromagnetic Sensitivity	<a href="https://ehtrust.org/science/electromagnetic-sensitivity/">https://ehtrust.org/science/electromagnetic-sensitivity/</a>
<b>Other resources on ES/EHS</b>				
Bioinitiative	Bioinitiative Report		<i>A Rationale for Biologically-based Exposure Standards for Low-Intensity EM Radiation</i>	<a href="https://bioinitiative.org">https://bioinitiative.org</a>
BSEM	British Society for Ecological Medicine	UK	<i>Environmental Medical Private Practitioners</i>	<a href="https://www.bsem.org.uk">https://www.bsem.org.uk</a>
ESS	The Electrosensitive Society	Canada	<i>Accommodating EHS</i>	<a href="https://www.electrosensitivesociety.com/accommodating-ehs/">https://www.electrosensitivesociety.com/accommodating-ehs/</a>
IGNIR	International Guidelines on Non-Ionising Radiation		<i>Guidelines and Appendices</i>	<a href="https://ignir.org">https://ignir.org</a>
PHIRE	Physicians' Health Initiative for Radiation and Environment		<i>Electromagnetic Hypersensitivity (EHS)</i>	<a href="https://phiremedical.org/electromagnetic-hypersensitivity-ehs/">https://phiremedical.org/electromagnetic-hypersensitivity-ehs/</a>
EM-RRT	EM - Radiation Research Trust	UK	<i>Electromagnetic Hypersensitivity</i>	<a href="https://www.radiationresearch.org/category/research/electromagnetic-hypersensitivity/">https://www.radiationresearch.org/category/research/electromagnetic-hypersensitivity/</a>

RFR = Radio Frequency Radiation  
EMF = Electromagnetic Fields

ES = Electrosensitivity  
EHS = Electromagnetic Hypersensitivity

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