



Media reporting and reality: French court ruling does not confirm electro-hypersensitivity (EHS) as occupational illness

Contrary to recent media reports, French jurisdiction has not established a causal relationship between symptoms of electro-hypersensitivity¹ and exposure to electromagnetic fields as emitted from wireless technologies, nor has it recognised EHS as occupational illness.

What it has done is reverse the 2013 decision of the Commission for the Rights and Self-Reliance of Persons with Disabilities (CDAPH) in Ariège² to deny Mrs R. a disability allowance.

Background

French media widely reported this week on a decision by the Incapacity Dispute Court (TCI) in June 2015 to grant a disability allowance to a woman claiming to suffer from electro-hypersensitivity.

French Press Agency AFP reported first on the issue and revealed it had been alerted to the news by activist group Robin des Toits who interpreted and celebrated this court decision as legal recognition of electro-hypersensitivity as occupational illness.

However, the Incapacity Dispute Court (TCI) only handles decisions on disability, permanent disability or work incapacity within the National Health Insurance Programme. In other words, the TCI does not have the capacity to decide on the cause of an occupational illness but only decides on a person's incapacity to work or degree of disability, based on the assessment of a medical expert.

The medical expertise of a general practitioner (GP) was decisive in the court decision from June 2015. The GP explained in an interview with Science & Avenir this week: "I am aware that there is no scientific consensus on the matter [of electro-hypersensitivity]. My position is not to decide on this matter in either sense. Because to date, we do not have any established evidence. But the disability from which Mrs R. suffers cannot be denied. And even if it might be psychological – which I do not believe – it is a disability that needs to be addressed."³

Given the fact that the medical expert estimated Mrs R.'s disability at 85%, the TCI decided to grant Mrs R. a disability allowance of 800 Euros per month for three years.

¹ The TCI was seized in appeal of the decision of the Commission for the Rights and Self-Reliance of Persons with Disabilities (CDAPH) in Ariège on 29 April 2014, which in turn had been seized in appeal of a decision from 24 September 2013. The Commission for the Rights and the Autonomy of Disabled People (CDAPH) is a branch of the Departmental Centre for Disabled People (MDPH). The MDPHs offer in each department centralised access to the rights and services planned for disabled people and are among other things responsible for the assessment of needs for compensation. However the attribution of compensations is carried out by the CDAPH.

² department in the Midi-Pyrénées region of southwestern France

³ unofficial translation, read original interview in French:

<http://www.sciencesetavenir.fr/sante/20150827.OBS4827/electrosensibilite-un-handicap-qui-ne-peut-pas-etre-nie.html>



What the media made out of it

The majority of the French media picked up the AFP press item, with the headline that EHS had been recognised by the court as occupational illness and included a partially reformulated quote by the World Health Organisation (WHO) on electro-hypersensitivity.

The media also wrote that WHO had recognised in 2005 EHS as being “characterized by a variety of non-specific symptoms that differ from individual to individual” and that “symptoms are certainly real and can vary widely in their severity”. They did (not) add that the authors of the study of WHO had concluded that there are no clear diagnostic criteria nor any scientific base for a causal relationship between the symptoms and exposure to electromagnetic fields.

The full quote from the WHO 2005 Factsheet on Electromagnetic hypersensitivity is somewhat clearer:

- *EHS is characterized by a variety of non-specific symptoms that differ from individual to individual. The symptoms are certainly real and can vary widely in their severity. Whatever its cause, EHS can be a disabling problem for the affected individual. EHS has no clear diagnostic criteria and there is no scientific basis to link EHS symptoms to EMF exposure. Further, EHS is not a medical diagnosis, nor is it clear that it represents a single medical problem.*⁴

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⁴ <http://www.who.int/peh-emf/publications/facts/fs296/en/>