

Construction company sentenced after a worker fell to his death

- Antonio Rodrigues, 55, fell from a scaffold platform through an unglazed window
- Lima Construction Limited was principal contractor at a redevelopment site in south west London
- Falls from height remain leading cause of workplace injury and death

A construction company has been fined after one of its employees was killed when he fell through an unglazed window opening.

Antonio Rodrigues, 55, had been working for Lima Construction Limited, the principal contractor on a project to redevelop a former department store on the High Street in New Malden, into a mixture of commercial and residential units.

On 27 July 2022, Mr Rodrigues, who was working as a labourer on the site, fell from an external scaffolding platform through an unglazed window void, landing on an internal concrete ground floor more than three metres below. Although he was taken to hospital Mr Rodrigues died from his injuries several days later on 1 August.



Police bodycam footage of the openings including the door in the centre which Mr Rodrigues fell through

An investigation by the Health and Safety Executive (HSE) found that in one wall, window voids had been created to install glazed 'Juliet' doors. However, when the doors were delivered it was found some had damaged glazing panels so were not installed. Although the company recognised that the four unglazed window voids created a risk to workers on the scaffolding platform – falling from height through the voids – it was only in the hours after Mr Rodrigues fell that protective boarding was installed.

The HSE investigation identified it was reasonably practicable for boarding or additional inside scaffolding guard rails to have been installed over the window voids to prevent falls from height as soon as they had been created.



The door and the concrete ground below it



The door with the boarding added within hours after the fall

The company had also not ensured that legally required weekly scaffolding inspections had been carried out after 5 July 2022, so the opportunity for identification of the risks posed by the unglazed window voids by a competent scaffolding inspector was lost.

Lima Construction Limited, of Apsley Road, New Malden, pleaded guilty to contravening Regulation 13(1) of The Construction (Design and Management) Regulations 2015. It was fined £50,000 and ordered to pay costs of £11,347 at Westminster Magistrates Court on 18 June 2026.

HSE inspector Andrew Verrall-Withers said:

“This is a case where a company who generally tried to have good standards of health and safety, failed to react effectively to an unusual situation and there were tragic consequences.

“Falls from height are one of the leading causes of workplace fatalities and major injuries in the UK. Employers and those in control of any work at

height activity should ensure a sensible, pragmatic approach when considering precautions for work at height.

“As there was no CCTV and nobody witnessed the incident, we will never know exactly what caused Mr Rodrigues to fall. But if the boards added shortly afterwards had been in place, then there would have been no opening for him to fall through in the first place.”

The HSE’s investigation was carried out by HM inspector Andrew Verrall-Withers, and the prosecution was brought by HSE lawyers Iain Jordan and Tom Ledden-Rocks, and paralegal Anushka Lulith.

Further information:

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
1. More information about the [legislation](#) referred to in this case is available.
1. Further details on the latest [HSE news releases](#) is available.
1. Guidance on working at height is available at [Working at height – HSE](#) and further guidance on construction can be found at [Get started – HSE](#).
1. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences in England and Wales can be found [here](#).