

# Construction firm fined as worker loses life and another injured

A company has been sentenced after a 62-year-old worker fell 10 metres to the ground and died during the construction of a new university facility.

The Health and Safety Executive (HSE) investigated the fall and subsequently prosecuted Balfour Beatty, with the firm fined £285,000 on Monday 16 September.

Igor Malka and a second contractor, Edmund Vispulskis, had been in a scissor lift while installing cladding during the construction of a new engineering hall at the University of Birmingham on 7 January 2020.

The pair, from Lithuania, fell approximately 10 metres when their scissor lift was pushed over by a nearby crane.

This led to Mr Malka losing his life while Mr Vispulskis sustained injuries to his spine and broken ribs, before spending seven weeks in a neck brace. Mr Vispulskis also required pins to be inserted in his pelvis and thigh.

Balfour Beatty had been the principal contractor while the National Buried Infrastructure Facility was being built at the university.



The incident occurred during the construction of a new facility at the University of Birmingham

The crane was being used to move hydraulic equipment that had been delivered by a lorry. The equipment was set to be installed at the facility.

The HSE investigation found the incident could have been prevented had Balfour Beatty implemented better controls and put in place better

communication between contractors. There were contractors at the site that were moving the hydraulic units into place with the overhead travelling gantry crane, and another team who were installing internal cladding. Balfour Beatty, as principal contractor on site, had a duty to ensure communication and co-operation between these contractors. There was also no lift supervisor present at the time of the incident.



The incident occurred during the construction of a new facility at the University of Birmingham

The University of Birmingham was not prosecuted by HSE.

HSE guidance can be found at [Lifting Operations and Lifting Equipment Regulations \(LOLER\) \(hse.gov.uk\)](https://www.hse.gov.uk/lifting-operations-and-lifting-equipment-regulations-loler/)

Balfour Beatty, of Churchill Place, Canary Wharf, London, pleaded guilty to breaching Regulation 8(1) of the Lifting Operations and Lifting Equipment Regulations 1998. The company was fined £285,000 and ordered to pay £21,768.88 in costs at Birmingham Crown Court on 16 September 2024.

HSE inspector Gareth Langston said: "This was a tragic incident that led to the death of a worker with another being seriously injured and still experiencing difficulties today as a result.

"Lifting operations must be properly controlled – they must be planned, with plans adhered to."

This HSE prosecution was brought by HSE enforcement lawyer Andy Siddall and supported by HSE paralegal officer Helen Jacob.

#### **Notes to editors:**

1. [The Health and Safety Executive](https://www.hse.gov.uk/) (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.

2. More information about the [legislation](#) referred to in this case is available.
  3. Further details on the latest [HSE news releases](#) is available.
  4. 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 can be found [here](#).
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## [HSE to prosecute Snowdome Limited](#)

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After an initial joint investigation with Staffordshire Police, HSE can now confirm Snowdome Limited has been charged with breaching section 3 of Health and Safety at Work etc. Act 1974.

The case is listed for a first hearing at Telford Magistrates Court on 9 October 2024.

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# National Grid fined £3.2million after pylon worker suffers serious burns

The National Grid has been fined more than £3million after its failures left a father-of-two with life-changing injuries from working on a pylon in South Wales.

Justin Hollins was working replacing step bolts on the pylon at Treforest Industrial Estate in Pontypridd, when he received an electric shock of 33 thousand volts. The 50-year-old sustained burns to 40 per cent of his body, including to his arms and legs, and also lost part of his right buttock.

National Grid Electricity Distribution (South Wales) Plc and 4 Power Ltd both received fines in relation to the incident, which happened on 3 December 2020.



The incident happened on  
3 December 2020

Mr Hollins, who had six operations in the space of his first 10 days in hospital, told of how he required 24 hour care for months afterwards.

"This was a very difficult time, with relentless operations and endless, painful changing of dressings.

"Every day was a huge battle.

"I stopped needing to attend hospital appointments in August 2022 but will remain a burns patient for the rest of my life.

"At the time of my accident I was in peak physical condition, which I was told by the hospital is probably the reason I survived.

"I have been stripped of the opportunity to provide for me family doing the job I loved.

"Although I appreciate that I have been lucky to survive, I have to live with the physical and mental effects of the accident for life. I also have to live with the uncertainty of the long term damage 33 thousands volts have done to my internal organs."

Cardiff Crown Court heard that Mr Hollins, also suffered nerve damage that affects mobility, was wearing a climbing harness and left hanging on the pylon for some time before being rescued by his colleagues.

An investigation by the Health and Safety Executive (HSE) found that 4 Power Ltd who are based at Unit 1b, Iddenshall Hall Farm in Cheshire, failed to properly plan and assess the risk. Had this been done, it would have identified that the arms of pylon were too short to do the work safely, while maintaining the specified safety distances as per industry standard. National Grid Electricity Distribution (South Wales) Plc who are based at Avonbank, Feeder Road, Bristol failed to ensure that the electricity was off in order to do this work safely on the pylon.

4 Power Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and have been fined £80,000 and ordered to pay costs of £14,123.

National Grid Electricity Distribution (South Wales) Plc pleaded guilty to breaching Regulation 14 of the Electricity at Work Regulations 1989 and have been fined £3.2million and ordered to pay costs of £20,460.

Speaking after the hearing HSE Inspector Rhys Hughes said: "The injuries sustained by Mr Hollins have been truly life-changing. He is lucky to be alive.

"Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information and instruction to workers.

“What is so frustrating in incidents like these is if a safe system of work had been in place before the incident, his injuries would have been prevented.

“HSE provides advice and guidance to employers and workers unsure of what their duties are or how to comply for free on [hse.gov.uk](https://www.hse.gov.uk).”

This prosecution was brought by HSE enforcement lawyer Iain Jordan and supported by HSE paralegal officer Sarah Thomas.

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5. Guidance on the [safe use of work equipment](#) is available.

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## [Routine HSE inspection results in £150,000 fine for food manufacturer](#)

A North London food manufacturer has been fined £150,000 for failing to prevent access to dangerous parts of machinery.

The failings came to light following a routine inspection by Britain’s workplace regulator – the Health and Safety Executive (HSE) in October 2023.

During the visit to Wembley-based Oriental Delight (UK) Limited, the HSE inspector identified multiple failings related to the guarding of machinery. Three machines were deemed unsafe due to interlocking safety devices being defeated and guards being completely removed.



Planetary Mixer missing guard

However, it wasn't the first time the food company had come onto HSE's radar, with prohibition notices being issued in both 2016 and 2019.

Identical guarding failings were again found at the inspection in October 2023, demonstrating that the company had not only failed to sustain improvements, but had effectively ignored HSE's previous enforcement action by continuing to use these machines in an unsafe manner.



Mochi making machine with missing front guard

On 4 September 2024, at Westminster Magistrates' Court, Oriental Delight (UK) Limited pleaded guilty to three breaches of Regulation 11(1) of The Provision and Use of Work Equipment Regulations 1998 and was fined £150,000 and ordered to pay costs of £3,020.

Following the hearing, HSE Inspector Marcus Pope said: "This case sends out a clear message to the food manufacturing industry that HSE will not hesitate to prosecute when inspectors find serious health and safety failings,

particularly when previous enforcement and advice has been provided.”

“Once again we see how critical it is that all employers make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery.”

This prosecution was brought by HSE enforcement lawyer Arfaq Nabi and supported by HSE paralegal officer Imogen Isaac.

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5. Further information [about preventing access to dangerous parts of machinery](#) is available.