

# 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](#).