

49ers' struggle with Cathay down to the wire

The saga of the “49ers”, shorthand for the pilots sacked by Cathay on a single day in 2001, has to be one of the longest labour disputes in Hong Kong’s history. But for John Warham it is a battle still worth the struggle. *Jonathan Sharp* reports.

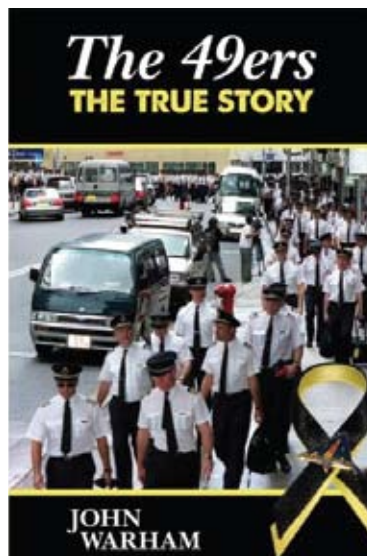
John Warham does not pull any punches when he excoriates the management of Hong Kong’s leading airline. “Malicious” and “vindictive” were just some of the words Warham used in an address to a Club lunch. He charged that Cathay, not content with sacking the pilots in a row over terms and conditions, subsequently made life as miserable as possible for them by, for example, misrepresenting their income tax so that they faced swinging tax bills and forcing them to leave Hong Kong.

“They then set about destroying our careers and reputations” by having the pilots effectively blacklisted by major airlines. “We were pariahs in a profession we had devoted our whole lives to.”

The fallout from the summary cull included the break-up of some marriages and families of sacked pilots. Warham went so far as to say that in his opinion the deaths of three of the 49ers, two men and a woman, after they were sacked were “the direct result of what these people [at Cathay] did to us”.

He reserved particular venom for former Cathay chief executives Tony Tyler and Philip Chen, at times almost eliding their names into “Tyler’n’Chen” – as if they were a single malign entity. (Neither Tyler nor Chen, who have moved to pastures new at the International Air Transport Association and Hang Lung Properties, respectively, were present at the lunch. They, or any current members of Cathay management, are of course always welcome at the FCC to present their side in the dispute. Cathay has always denied wrongful dismissal and other charges.)

The many vicissitudes of the legal saga, which at one stage spread across four jurisdictions and caused



a rift in the ranks of the pilots that led to many accepting management settlements, are recounted in a book by Warham, who is now a flight simulator instructor on Airbus airliners.

One of the bitterest blows came on Christmas Eve 2010 when the Hong Kong Appeal Court reduced by two-thirds defamation damages of HK\$3.5 million previously awarded to the pilots. “That wasn’t the best Christmas present I’ve ever received.”

But it’s not just about the money, or indeed the pilots. The point that Warham stressed was that the 49ers’ case affects every man and woman employed in Hong Kong under the city’s employer-friendly labour laws. “Your contract isn’t worth the paper it’s written on. You might as well hang it in the lavatory.”

The pilots’ stance should resonate with, among others, FCC journalists who in recent years have been shocked to see colleagues at local and international media outfits abruptly shown the door for breaking ill-defined rules on political correctness in the newsroom.

And those journalist unfortunates have not had recourse to the kind of financial resources that have enabled the 49ers to sustain their battle. Warham declined to say what the pilots’ legal costs were, adding that Cathay managers had resorted to dirty tricks to find out where the money had come from.

Final legal closure to the saga of the 49ers – now reduced to 18 – comes on August 27 with a ruling by the Court of Final Appeal. Warham acknowledged that the 49ers’ struggle has always been an uphill one, but asked if he was confident of winning at this final stage, he unhesitatingly replied: “Yes, we are.” **ICC**