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Cathay can't skirt rules to sack staff, says judge

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Updated on *Mar 03, 2009*

A judge ruled yesterday that Cathay Pacific Airways should not bypass its disciplinary procedures before sacking staff for disciplinary reasons.

The ruling was given by Mr Justice Anselmo Reyes in the Court of First Instance in determining a primary issue in a suit launched against the company for damages arising from the allegedly unfair dismissals of nine of its pilots in 2001.

The ruling was made on the hypothetical assumption that the dismissals were the result of misconduct. The court was told by barrister Robin Mcleish, counsel for Cathay Pacific, that an investigation would then have to be done to find out the cause of the dismissals.

The company is accused of breaking contracts after it terminated the pilots' employment on July 9, 2001, by paying them three months' wages in lieu of notice without assigning a cause. The pilots argued that it happened because of their involvement in a trade union, which instigated industrial action in July 2001. They are seeking damages.

Adrian Huggins SC, also for the company, argued it was the employer's contractual right to choose whether to invoke disciplinary procedures even if it was assumed the reason was misconduct. The judge disagreed and said the procedural requirement was not a free-standing option for the employer to choose.

A hearing for the case was set down for October 5.