



The saga of Cathay's pilot hit list

Years have passed since the sacking of the '49ers', but a leaked document has raised new questions

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Click on to the website of the unofficial Cathay Pilots Union and a digital clock will tell you to the last second how long it has been since the group of pilots known as the 49ers were famously sacked at the peak of an industrial dispute over pay and rosters. It was 2,652 days ago this morning.

Add a few days more to that number and you will be able to figure out how many days ago it was that a panel of Cathay executives and management pilots later to be nicknamed the "Star Chamber" sat down for a secretive meeting in Cathay City to decide which pilots would be fired.

The subject matter was so explosive no one was allowed to take a single piece of paper out of the room. But one management pilot waited until no one was looking and then sneaked away a copy of the list of pilots shortlisted for possible dismissal.

Seven years on, soon after his acrimonious departure from the airline where he had been promoted to the rank of chief pilot and was apparently still troubled by the tumultuous events of July 2001, he leaked it to some of the pilots whose careers with Cathay he helped bring to an abrupt end.

The episode that the document shed light upon happened a long time ago, as the airline has been at pains to point out in recent days. To put it into some sort of perspective, it was two months before the September 11 terror attacks in the US, two years before the outbreak of severe acute respiratory syndrome and six years before the beginning of the credit crunch.

However, last week, as an e-mail with the words "You're on the hit list" in the subject line popped up in pilots' inboxes, the years melted away as the key act in the bitter 2001 showdown suddenly came back into sharp focus for the pilots caught up in the drama.

The e-mail contained as an attachment the document that the management pilot had taken years ago: a list of the names of 195 pilots from which the 49ers would be chosen along with an intriguing scoring system based on sick days, willingness to attend a management lunch against the union's recommendation, and levels of co-operation over rosters.

Next to each name, written in the pilot's pencil, is an "X" or an "OK" to denote whether each person was selected for dismissal or whether someone within the Star Chamber spoke up for him in an effort to persuade the 20 or so members of the group not to dismiss him.

It may make for fascinating voyeuristic reading within the pilot community, but the "hit-list" is in essence a piece of history. The airline has since patched up its differences with the Aircrew Officers Association and many of the 49ers have accepted settlements. Some are even back working with the airline. In the words of one Cathay executive last week: "As far as we're concerned, this is a red herring."

For two groups of pilots, however, the document has a very contemporary relevance: the 18-strong group of 49ers who preparing to claim unfair dismissal against Cathay Pacific in a High Court hearing expected to take place next year, and the 100 or so serving Cathay pilots who found out last Tuesday for the first time that they came within an "X" mark of losing their jobs in 2001.

The 49ers believe the list provides evidence to support their claim that Cathay targeted Aircrew Officers Association members in the 2001 cull - the percentage of non-union members on the list of 195 is far smaller than the percentage among the pilot community at large, they argue.

It demonstrates, they say, that the pilots were sacked fundamentally on the basis of their disciplinary records and that they should, therefore, have been subjected to proper disciplinary and grievance procedures. They also claim it shows that senior airline executives may have given misleading answers in interviews and at a London tribunal into how the pilots to be sacked were chosen.

That last claim is denied by the airline, which said in a statement: "We reiterate with great emphasis that we stand by all the evidence we have given in past proceedings and will continue to robustly defend ourselves in any forthcoming proceedings as we have done in the past."

Airline executives have insisted that Cathay Pacific went through the employment records of more than 1,500 serving pilots file by file before deciding who would be fired. A management source said that claim still stood firm, and that the list was produced as a reference point for the "Star Chamber" only after the careful scrutiny of all pilot records.

Cathay has also dismissed suggestions that it tried to keep the list secret, pointing out in a memo to cockpit crew last week that it released a copy of the list to lawyers in a 2004 British hearing into the sacking of the 49ers.

"This version [of the `hit list' circulated last week] would have been disclosed to the plaintiffs as well, had the [pilot] manager declared its existence," said the memo signed by general manager for aircrew, Captain Richard Hall.

A source close to the breakaway Cathay Pilots Union, set up to support the 49ers' court case, said that to his knowledge the full list had never been handed to its lawyers, and the 2004 list contained only the names of the pilots ultimately sacked and not those shortlisted but spared.

It appears to have come as news to the remaining 49ers, too. In a circular sent to supporters, they described the document as a "new piece of evidence" and "extremely significant".

"It is clear from this evidence that some of the criteria supposedly used to select pilots for dismissal were disciplinary in nature and that, therefore, the opposition's claim that the D&GP [discipline and grievance procedures] did not apply are fallacious. In short, they acted in breach of our contract - the first leg of our claim," the circular says.

It goes on to claim the document "provides further evidence that the real motivation for our dismissal was because of our union activities - the second leg of our claim".

The airline appears untroubled by the legal implications of the document having been submitted to the High Court as testimony. "There's nothing in it that hasn't been available to the plaintiffs before apart from this management pilot's pencil marks," a Cathay source said.

Of more pressing concern to the airline is the effect on morale of the list being circulated among current staff. It includes a deputy chief pilot and a number of senior training captains. All but a handful had no idea they were once shortlisted for dismissal - and may now wonder whether their inclusion on the list has since held them back in their careers.

Whether or not the document was new to the plaintiffs, it was certainly new to many of the pilots named. One of the most disturbing aspects, some of them have complained, is that it includes "black marks" from relatively lowly crew control officials for being unco-operative or unhelpful.

"It's appalling to think that decisions on people's futures were made on the basis of criteria as arbitrary as that," a senior Cathay pilot said. "It's

even more worrying if those black marks have remained on people's records since that very extreme time when pilots were judged with a scrutiny they would never normally be exposed to."

One first officer who last week discovered he was on the list said in an e-mail forwarded to the *Sunday Morning Post* that he was convinced it had been used to deny him promotion more than three years after the sacking of the 49ers.

"I suspected I was on a list for a long time but I saw no evidence until I came up for command a few years later. I was told I was unsuitable for an attempt at the command course and had to stay on as a first officer," he wrote.

"I had an interview with my then fleet manager, who admitted that it wasn't because of my operational skills and told me it was politically motivated ...

"This interview took place more than three years after the sacking of the 49ers. I believe the list hasn't just been used for the sacking of the 49ers but is still in active use years later as a way of punishing crew."

Cathay management sources responded that there were as many examples of pilots being promoted to higher ranks within the list. "There are some very senior people on that list and being on it hasn't held them back in any way," one source said.

The official Cathay Pacific pilots' union, the Aircrew Officers Association, is barred from commenting on the issue of the 49ers after reaching an agreement with Cathay to promote settlements for the sacked pilots.

However, a source close to the union said: "The list proves exactly what we have always known - there was no investigation of all personal files. A list had been drawn up by individuals in management who had a grudge against a certain number of pilots, and from that list 51 pilots were fired [two were later reinstated].

"Cathay Pacific knew or felt they knew that the laws of Hong Kong would let them get away with this, so they did it. It was and remains a disgraceful episode in the history of the airline."

There is a measure of Christian forgiveness for the management of Cathay Pacific in the heart of one pilot who found out by e-mail last week that he had been on the "hit list". Now living in Canada and working for another airline, he wrote on a pilots' online forum: "I used to tell my wife they had me on some kind of list.

"So what happened? Due to a power much higher than myself, I was

able to move on and forgive the folks who trapped me in that evil cyclone of insanity. To the folks in management who have goodwill, I wish you all the best - as well as all the good, hard-working pilots who are struggling to have a career."

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