

18 sacked pilots sue Cathay for payouts

Compensation sought for job loss, distress

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Eighteen of 49 pilots sacked en masse by Cathay Pacific (SEHK: 0293) during the airline's industrial dispute in 2001 are seeking compensation for the loss of their jobs and for distress they say was caused by criticism by top airline executives aired in the press.

The 18 pilots claim their jobs were wrongfully terminated and that they believe they were fired because of their union activities.

They cite in their claim public statements made by Philip Chen Nam-lok, the airline's then director and chief operating officer, and Anthony Tyler, then director of corporate development, in July 2001 following the sacking.

They allege Chen said they had shown a lack of "total professionalism", disrupted airline operations and besmirched the reputation of Hong Kong while Tyler had accused them of holding Hong Kong to ransom and failing to act in the interests of the company.

The pilots said such remarks were defamatory, had damaged their professional reputations and created obstacles to their future employment.

Mr Justice Anselmo Reyes in the Court of First Instance heard that the pilots had taken a series of industrial actions and that the 18 were sacked after a "maximum safety strategy [MSS]" began on July 3, 2001.

First claimant John Warham, a pilot who retired after Cathay Pacific sacked him in July 2001, testified that MSS was a "limited industrial action" to pressure company management to continue talks about various issues with the union, the Hong Kong Aircrew Officers Association. According to Warham, the union and the airline had had various disputes, including one about the powers of the senior officer on an airliner - whether the captain had discretionary powers in exceptional circumstances.

Warham, a union president in 1997, said that MSS could disrupt airline operations, acknowledging that it aimed to cause flight delays and inconvenience to passengers.

Barrister Adrian Huggins SC, for the airline, said the pilots' aim was to threaten the airline by delaying each flight by about 15 minutes.

Warham said under cross examination, however, that a typhoon on the second day of the MSS scheme had caused chaos.

Huggins claimed pilots had followed a "contract compliance campaign" before the maximum safety strategy. He said pilots had stuck strictly to the terms of their contracts and had not been able to be contacted during off-duty hours.

However, Warham said: "I was contactable all the time even when I was off duty." A second claimant, Mathew Rogers, told the court that he never carried a mobile phone. Rogers said he was never told "to be difficult to be contacted".

Another claimant, Michael Shaw, testified that the contract compliance campaign was intended to affect daily airline operations and underscore the fact that the airline relied on people working on their days off.

Huggins said the union had also introduced a "sick-out policy". He said records showed that 89 pilots called in sick on the same day.

The hearing continues today.