

Pilots still confident in Cathay legal fight

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Speaking at the Foreign Correspondents' Club, John Warham has high hopes the court will give him and the other sacked pilots the overdue justice he said they deserve.

"Yes, we are confident," Warham said. "We have been confident since 2001. We have confidence in the Court of Appeal and the Court of Final Appeal.

"The court is going to see the merits of our case and realize the implications of their rulings."

In July 2001, Warham and 48 other Cathay Pacific pilots were sacked on the same date - hence the group's name "the 49ers." Three other pilots were also sacked around that time.

Warham, 60, claimed he was fired because he was chairman of the Hong Kong Aircrew Officers Association and the chief negotiator in a dispute with the airline over rostering and flight safety issues. The pilots were sacked after a work to rule.

Some of the 23 pilots who filed for damages in 2001 accepted an offer by the airline and promised not to pursue the case.

But 17 of them were determined to take it to the Court of Final Appeal.

In 2010, the Court of Appeal overturned a High Court ruling that awarded each plaintiff a record HK\$3.3 million for defamation - slashing the amount to HK\$700,000. The court also overturned a ruling of wrongful dismissal.

Warham said yesterday the dispute is no longer a local industrial issue, and it has escalated to a new level.

"It affects every man and woman working under a contract of employment," he said.

Current law allows employers to fire employees without a cause, as long as sufficient compensation is offered.

Although some of the management members involved in the sackings no longer work at Cathay Pacific, Warham said some of the "big people" are still there.

"They have never shown any remorse or at any time offered any apology."

Immediately after the pilots were sacked, they were also blacklisted by all leading airlines, he said. The "malicious" sacking broke up marriages and families as quarrels intensified.

Warham had been a Cathay Pacific pilot for 17 years before he was fired, and was only five years short of retirement.

He was out of work until hired recently by the Oxford Aviation Academy as a flight simulator consultant.

A Cathay Pacific spokeswoman declined to comment. The case will be heard by the Court of Final Appeal on August 27.