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Former pilot for Cathay wins HK\$1m in UK court

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An employment tribunal in Britain has found in favour of a dismissed Cathay Pacific Airways pilot in a decision that could influence the cases of 17 of his colleagues seeking compensation in Hong Kong for their dismissals.

The South London branch of the tribunal awarded George Crofts £70,291 (HK\$1.02 million) for unfair dismissal and breach of contract after lawyers for Cathay subsidiary Veta Ltd conceded it had failed to follow the grievance procedures in his contract.

Mr Crofts and 50 of his colleagues, known as "the 49ers", were fired in 2001. Some settled 18 months ago, but 17 of the original group continue to seek compensation and reinstatement to their former positions through the Hong Kong legal system.

The tribunal did not grant Mr Crofts' request to be reinstated, a decision usually only rendered at the agreement of both parties, according to legal sources.

Cathay said it accepted the decision of the tribunal but remained disappointed with January's ruling in the House of Lords which gave Mr Crofts the right to try his case in Britain.

"This decision in no way changes our opinion of Mr Crofts formed in 2001. We had genuinely lost confidence in his ability to work in the best interest of the airline and we will not be returning him to the flight deck of a Cathay Pacific aircraft," Cathay said in a statement.

It was unclear yesterday how influential the tribunal's decision would be at subsequent 49er trials in Hong Kong.

One labour expert said she "would be surprised if the finding was not taken into consideration" but that local courts were not bound to do so.

Compensation in local labour disputes is capped at HK\$150,000 but there is a provision that ostensibly allows for recovery of lost wages in breach of contract cases.

However, in general, employees in the UK are thought to have greater legal recourse than their Hong Kong counterparts.

"Labour law in the UK is substantially different than in Hong Kong," a local labour lawyer said. "Success in one jurisdiction does not necessarily translate to the other."



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