

## Twin legal blows for Cathay spell joy for workers

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Cathay Pacific flight attendants and pilots were celebrating yesterday after winning their respective battles against the airline in the territory's highest court.

In two separate written judgments, the Court of Final Appeal upheld that certain allowances should be used in counting the holiday pay of cabin crew.

Eighteen pilots should also be given the equivalent of one month's salary for unfair dismissal.

The airline stands to pay out hundreds of millions of dollars in the decade-long battle - including costs.

Cathay Pacific Airways Flight Attendants Union chairwoman Dora Lai Yuk-sin said victory belongs to the unions since they have shown they can protect the rights of workers.

John Warham, who was president of the Hong Kong Aircrew Officers' Association and one of the appellants from the so-called 49ers, described it as a great day for Hong Kong workers fighting big business.

"We've achieved what [legislator] Lee Cheuk-yan and the Confederation of Trade Unions have been trying to achieve for about 25 years - proper union protection."

Cathay Pacific said it respects the judgment. "Our legal team is studying the respective rulings and the company will consider the necessary steps in their detailed applications," it said.

In the first case filed by three flight attendants in 2008, Chief Justice Geoffrey Ma Tao-li wrote it is common sense that line-duty and ground-duty allowances, and duty-free sales commission "clearly fall" in the calculation of statutory holiday pay.

Justice Kemal Bokhary and Justice Patrick Chan Siu-oi wrote that the duty-free sales commission, about 3.5 percent of the total sale, "is clearly intended to form part of the wages of a cabin crew member who performs such duty."

Betty Kwan Siu-wa, a former chairwoman of the Cathay Pacific Airways Flight Attendants Union, had sought HK\$280,000 in back pay from Cathay. She was joined in her fight by Vera Wu Yee-mei and Jenny Ho Kit-man.

Kwan said the judgment meant bosses must comply with employment contracts.

Current chairwoman Lai said it may take another year before the Labour Tribunal is able to process the claims filed by at least 4,000 flight attendants.

The court also ruled that Cathay should pay the 49 pilots sacked in 2001 a sum equivalent to a month's salary - on top of the HK\$850,000 per plaintiff awarded earlier.

Warham, referring to the effect the fight has had on pilots' families, said: "In terms of human life, three people are dead because of what Cathay Pacific did to us. That's on their conscience, I hope they can live with that."