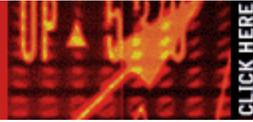


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Wednesday, February 15, 2006

Sacked pilots bring suit against Cathay

NICK GENTLE

Two pilots sacked by Cathay Pacific along with 49 others nearly five years ago are suing the airline for breach of contract and defamation.

Damon Neich-Buckley and Hendrik van Keulen were employed as captains through a Cathay subsidiary, US Basing, and claim their sacking in July 2001 violates the Employment Ordinance and their contracts.

They are seeking damages for wrongful dismissal and for statements made by Cathay management at the time, which they claim were defamatory.

The writ, filed in the High Court on Monday, follows a ruling in Britain's House of Lords last month that one of the "49ers", as the sacked pilots have come to be known, could seek compensation for unfair dismissal using British labour laws.

At the heart of the pair's claim is the allegation Cathay breached part of the Employment Ordinance that protects workers from being sacked for being active members of a union.

"US Basing terminated [their] contracts of employment by reason of the exercise ... of their right to take part in the activities of the Hong Kong Aircrew Officers Association," the writ says. It says the circumstances of the sackings were in breach of the disciplinary provisions of the pilots' contracts. The two were members of the association and had taken part in its day-to-day running. The association was engaged in a long-running dispute with the airline at the time of their dismissals.

On June 20, 2001, union members resolved to take industrial action, and on July 3 the association instituted what it called the

Maximum Safety Strategy, basically a work-to-rule programme. The 51 pilots were sacked on July 9.

A Cathay spokeswoman last night acknowledged that the two pilots were former employees of the airline.

"They have neither rejoined the company nor accepted the company's financial settlement offer, and it would appear that they are now taking legal action in Hong Kong," she said. "Our lawyers are now studying the case and we cannot comment any further at this time."



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