



# The Cathay Pilots Union

## Justice for *The 49ers*

### Summary of Proceedings - 2<sup>nd</sup> March 2009

In July 2001, Cathay Pacific Airways sacked 50 pilots without giving proper reasons for dismissal and without invoking the contractual Disciplinary and Grievance Procedure.

The group became known as "*The 49ers*" as 49 of the pilots were sacked on one day - 9<sup>th</sup> July 2001.

The pilots filed legal actions against Cathay in the UK, Australia, USA and Hong Kong. In 2006, the pilots won a land mark ruling in the UK. Their case went all the way to the House of Lord - the highest court in England.

In Hong Kong, 18 of *The 49ers* filed legal action against Cathay for three causes:-

1. That CPA acted in breach of employment contract by NOT first invoking the contractual Disciplinary and Grievance Procedure.
2. That CPA acted in breach of the Employment Ordinance by firing the pilots for taking part in legitimate union activities.
3. That CPA had defamed the pilots.

Yesterday, 2<sup>nd</sup> March 2009, at the High Court, Judge Reyes ruled in favour of the pilots for a crucial issue, breach of employment contract.

This is another land mark ruling as it sends out a very strong message: employers cannot take advantage of the inadequacy of the employment protection in Hong Kong - by merely giving payment in lieu of notice.

This is not just about the pilots but about every worker in Hong Kong. The judgment brings about two very important messages:

1. Employers should not be allowed to simply terminate employees without justification
2. The employment protection in Hong Kong is very inadequate therefore all workers should stand firm together to fight for our rights.

There will be a full trial to determine the other two issues at a later stage.

Contact us at: [admin@cathaypilotsunion.org](mailto:admin@cathaypilotsunion.org)

More information at: <http://www.cathaypilotsunion.org>