

Fired Cathay pilots awarded over HK\$3 million

By Joy Lu

HONG KONG: Eighteen former Cathay Pacific pilots who were fired in 2001 for taking part in a union action have won their case in the High Court, against the airline, for unfair dismissal and defamation.

Judge Anselmo Reyes awarded the claimants HK\$150,000 each plus one month's salary for being wrongfully fired. The big payout came with the HK\$3.3 million defamation award to 16 of the 18 pilots in compensation for the public condemnation they suffered.

The two who were excluded from the defamation award are George Crofts, who had already won damages for losing his job in previous proceedings, and Gregory England, who died after the commencement of proceedings. England's mother will receive damages awarded in relation to the dismissal.

The claimants are 18 of the 49 pilots dismissed en masse after the "work to rule" campaign by the Hong Kong Aircrew Officers' Association (HKAOA). The job action set off a crisis at Cathay's operation in 2001. The other 31 flight officers have previously settled with the airline.

Judge Reyes found the main reasons for the pilots' dismissal was their perceived participation in union activities.

Cathay had argued the pilots were fired for "gross misconduct" but Reyes found the company's defense contradictory.

When testifying in court last month, Philip Chen Namlok, the airline's then director and chief operations officer, was pressed into answering "yes" to the question as to whether the pilots' dismissal was in any degree related to their union activities.

Judge Reyes also said Cathay had attempted to bypass the Disciplinary and Grievance Procedures in the pilots' contracts when terminating the pilots' contracts.

Though the pilots were fired

on disciplinary grounds, the pilots were given three months pay in lieu and not given a chance to pursue standard disciplinary procedures.

Meanwhile, Judge Reyes found public statements by Cathay's management concerning the dismissals of the pilots to have been defamatory.

Anthony Tyler, then Cathay's director of corporate development and Chen, had accused the pilots of seriously disrupting Cathay's operation, of showing a lack of professionalism, of holding Hong Kong to ransom and failing to act in Cathay's best interests.

Reyes also ordered Cathay to pay the legal costs of the pilots.

The judge pointed out that the claimants are receiving less than the HK\$5 million each sought in the suit.

The wrangle between Cathay management and the pilots union began as early as 1999 over rostering practices and other contract entitlements.

The union accused the airline of trying to do more with fewer resources. The result was pilots flying longer hours with shorter breaks. At the height of the protest action, the union demanded pay increases of up to 32 percent and better rostering arrangements.

During the work to rule, pilots were advised to be meticulous about their pre-flight preparations and to refrain from working while under any physical or mental discomfort. The campaign escalated until as many as 89 pilots called in sick on the same day and planes were delayed an average of 15 minutes.

The case caught public attention when the industrial action collided with a typhoon, which threw Hong Kong airport into chaos.

Cathay was forced to cancel more than 40 flights one day and resort to charter flights to transport the passengers. During the turmoil the airline fired 49 pilots.

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