

## Translated extracts from SHARP DAILY on 18 January 2012

### **A Remarkable Character ~ A Cathay Pacific Gentleman who has no regret despite the past decade of Heaven and Hell**

How many “ten years” does anyone have in a life time? Today, up on the stage at a FCC Forum, ex Cathay Pacific Pilot John Warham recalled, for the past decade, his strenuous legal battle against Cathay Pacific's unfair dismissal and defamation of character. Throughout these ten years of ups and downs, he has experienced the pain and sorrow of fellow pilots' deaths and broken friendships, particularly those who had turned their backs on him. He also felt the joy of the legal victory and despite all these mixed emotions; he never regrets that he has stood up to fight for workers' rights and justice.

Sixty years old John Warham put all his encounters and experiences over these years in a book "The 49ers - The True Story“, which he has recently written and published, detailing the various sentiments of each and every little story.

On the inside cover of the book, John told of the scenarios in 2001 when he and 48 other colleagues were sacked without any reasons.

John Warham was then the Chairman of Cathay’s Aircrew Officers Association. As the talks and negotiations between AOA and Cathay Pacific on reasonable pay and benefits were broken down, industrial actions were considered by the AOA and its members. The company regarded their actions as unprofessional and sacked John, together with his 48 pilot colleagues.

With John as leader, the 49 pilots took legal actions against Cathay Pacific for Defamation and Unfair Dismissal. This started the prolonged legal battles, which brought about some victories and loses in the course of actions.

When they lost they appealed and the process is just unbearable. As such, some of the pilot plaintiffs decided to back out. Some were degraded to fly for the low cost carriers; some remained unemployed; some lost their lives or even killed themselves. Subsequently only 18 were left fighting on in the legal battle. Because of that, John says he feels very disappointed.

In 2009, the High Court ruled in favour of the pilots and awarded compensations for a total of 58.65 millions. Cathay lodged an appeal and in September last year, the Court of Appeal significantly reduced the amount to 11.9 millions. This was like being in heaven for one minute and then in hell the next – a real torture.

However John Warham says, “As pilots, we are relatively educated and resourceful, if

we did not come right out to fight for justice, who else will?"

John also says that according to the Labour Law in Hong Kong, there is no collective bargaining rights, nor rights to reinstatements after dismissal. Thus fighting for these workers' rights is very difficult but he would not give up.

John Warham's story has not come to an end yet. He has freshened up himself and is ready to return to the battlefield. He has filed an appeal to the Final Court of Appeal against the reduction of compensations. The hearing has been scheduled in August 2012. Who will win or lose in this final stage is very hard to predict but he has no regret for what he has been pursuing.