

The Cathay Pilots Union

Ladies and Gentlemen,

How would you feel if your employer terminated you with 3 months' notice, denied you a contractual Discipline and Grievance procedure and then claimed you were fired for "*no valid reason*"? How would you feel if your union stopped funding your legal case and then cut off your support? That's precisely what happened to some of our colleagues, collectively known as *The 49ers*. It's a sobering thought. First things first: is retirement age an issue if you don't have the contractual security to get you to retirement? We have to prove that our contract is worth more than 3 months' notice without due process.

The CPU is committed to supporting those *49ers* pursuing the legal actions the HKAOA stopped funding. We invite you to join our growing membership and help us to right the wrong. Subscriptions are a low 1.25% of salary (less for Second Officers). Alternatively, donations are gratefully and anonymously accepted. This option has proven to be a very popular method of funding the ongoing legal cases. We fully respect that many pilots require privacy. Be assured that applications and donations are treated with strict confidentiality.

Let's work together to ensure that what happened to *The 49ers* doesn't happen again. Application forms and the latest information is available at www.cathaypilotsunion.org

Update from *The 49er* Legal Team

The eighteen plaintiffs are:

Ken Carver
Greg England (estate)
Quentin Heron
Damon Neich-Buckley
Chris Sweeney
Cam Williams

George Crofts
Michael Fitz-Costa
Brian Keene
Matt Rogers
Henry Van Keulen
Brett Wilson

John Dickie
Doug Gage
Pierre Morissette
Steve Shaw
John Warham
Craig Young

Hong Kong

New legal counsel has been appointed in Hong Kong: Benedict K. W. Chiu of Chiu Szeto & Cheng Solicitors 17/F & 26/F C.M.A. Building, 64 Connaught Road Central. Website: www.csclaw.com.hk. The group has appointed John Warham and Quentin Heron as the representatives for providing instructions.

The paperwork has finally been transferred from Haldanes to the new solicitors. Benedict and his team are now up to speed on the background. The next step in the process is what is called the checklist hearing. This is where the Court Master checks that all necessary paperwork and procedural steps have been completed prior to trial. Once this is completed, we apply for a court date and go to trial.

The HK action has 2 parts: High Court Proceedings No. 4400 of 2001 and High Court Action No. 2822 of 2002. The substantive issues will be heard first and, upon their successful conclusion, the damages phase will be heard. The Company has now made an initial "payment into Court" and this indicates the weakness of the Company's defence. Management's actions will be heard and judged in the public arena in the near future.

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United Kingdom

As you are aware, we won the hearing in the Court of Appeal, which ruled that the UK courts do have jurisdiction to hear our case. Costs were awarded to the plaintiffs and leave for the defendants to appeal further to the House of Lords was denied. Predictably, CPA/Veta has petitioned the House of Lords to overturn the denied leave to appeal. This appears to be a delaying tactic to try to stop the case being heard on its merits in public and, naturally, the petition has been opposed. Their Lordships have not yet made a decision on this petition but it is advised to expect to hear their ruling in October. In the event that they do grant the petition, the appeal hearing will be heard alongside *Serco vs Lawson* and *Botham vs The Ministry of Defence*, both of which have already been given a court date in November. On the other hand, should their Lordships deny the petition, the case will go straight to the Employment Tribunal where, at last, the facts will be heard in public.

United States

A review hearing will be held in Los Angeles on 27th September. A new judge has been appointed and the purpose of the hearing is to determine progress being made for the two stayed US plaintiffs who have transferred to the Hong Kong action.

Insurance

It pays to be smart when choosing income protection and loss of licence insurance. There are many options available and they deserve careful comparison. There have been many cases where Hong Kong's pilots have experienced serious problems with their insurance cover - even within the last year. These problems include: reduction in cover to 5 years, mental health issues not covered (historically this has been up to 50% of claims) and large premium increases. We are very grateful for the support that Financial Partners International Ltd has given The Cathay Pilots Union in investigating the various Income Protection insurance options available to pilots in Hong Kong.

Kevin McGlynn of Financial Partners says: *"through my experience of working with Hong Kong pilots I have become well versed with the strengths and weaknesses of a range of product options. At Financial Partners our knowledge library includes TopCover, PilotCare, Right Choice, AXA and Drake (Prefsure). This knowledge has allowed me to identify areas where I have either achieved more appropriate terms of cover or substantial savings in the cost of insurance. If you are interested in arranging an independent review of your personal situation and the options available to you please contact me."*

Call Kevin +852 6147 5727 or email him at kevin.mcglynn@financial-partners.biz. He will gladly make an appointment - without obligation or charge - to explain the various strengths and weaknesses of the options open to you. As an independent professional he is best placed to advise you.

Support The Cathay Pilots Union

Contract Security = Fair Treatment for The 49ers

Disclaimer – The CPU is neither an authorized financial advisor nor does it make any recommendation on the insurance products referred to. You should make your own assessment of the products advertised since The CPU does not accept any liability in that regard.