

The Cathay Pilots Union

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Committee of Freedom of Association
International Labour Office
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By Email Only
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Dear Sir/Madam

Case 2186 – Complaint Against the Government of China/Hong Kong Special Administrative Region

ILO Case 2186 refers to the dismissal, in July 2001 by Cathay Pacific Airways (CPA), of 51 Hong Kong Aircrew Officers Association (HKAOA) pilots (known as *The 49ers*) in response to their legal union activities during a long-standing trade dispute.

In References A, B & C, the ILO requested to be kept informed of developments and this letter is intended as an update of the situation in Hong Kong. Reference D is a letter from Captain JS Warham (one of the terminated pilots) to the Board Directors of the Oneworld Cockpit Crew Coalition that also summarises recent developments. The HK Government advised the ILO, in its letter of 15th December 2003, that a new HKAOA President and General Committee (GC) were continuing negotiations that had commenced in the first half of 2003. It was hoped that industrial relations would improve with a successful resolution for *The 49ers*. Unfortunately, after 4½ years, the key issues have not been addressed and the case remains unresolved.

In April this year, the HKAOA and CPA reached an agreement whereby the HKAOA is legally precluded from assisting *The 49ers* in this case in any manner. The Cathay Pilots Union (CPU) was formed in Hong Kong, SAR China, on 1st May 2005 and is a Registered Trade Union (#1085) under CAP 332 of the Trade Unions Ordinance. The CPU was created to represent any Hong Kong pilot and currently its prime objective is to support those *49ers*, who all remain IFALPA members, pursuing legal actions in the United Kingdom, USA and Hong Kong.

CPA made a settlement offer (Reference E) in December 2004 but only four of *The 49ers* indicated that they wished to accept it. Soon afterwards, in February 2005, the HKAOA membership failed to ratify the Offer. However, in April 2005 the HKAOA membership voted to accept the CPA Offer (Reference F) and to abandon *The 49ers*. The result was immediate withdrawal of legal and welfare support.

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Subsequently, *The 49ers* had to choose whether to continue with their legal cases without assistance from the HKAOA or to accept the terms of the Offer. The Offer comprised an opportunity to apply for employment on freighter aircraft or accept a financial settlement. 19 applied for freighter pilot employment, 19 opted to reject the Offer and the remainder accepted the cash settlement. Of the 19 interviewees who applied for CPA employment, 7 were rejected.

Justice delayed is justice denied. More than 4 years after their unfair dismissal, the remaining *49ers* continue to wait for hearings on the substantive issues. Reference G is the most recent newsletter from The CPU and provides an update of the various cases in the United Kingdom, USA and Hong Kong. There are now 18 of the original plaintiffs engaged in pursuing legal remedy. Thus far it seems that expensive and protracted legal actions have failed to protect employees from unfair dismissal by a powerful and politically-influential company, backed by vast financial resources.

It is hoped these observations will assist the Committee on Freedom of Association in its deliberations regarding Case 2186.

Yours sincerely



for The CPU Preparatory Committee

References:

- A [Initial ILO Report dated March 2003 \(extracts\)](#)
- B [Interim ILO Report dated March 2004 \(extracts\)](#)
- C [Latest ILO Report dated March 2005 \(extracts\)](#)
- D [Appeal for Assistance to OCCC Board Directors](#)
- E [CPA Settlement Offer](#)
- F [Reintroduced Offer Acceptance EGM Agenda](#)
- G [CPU Newsletter 4](#)