

The 49ers

II

Prepared by

The Hong Kong Aircrew Officers Association

*On 29th January 2002, we didn't just lose a friend and a colleague – we lost a brother.
Greg, we will never, ever forget.
When we despair, we will remember you, hold our head high and return to the
struggle.
Yours will not be in vain.
Keep the faith brother,*

9th July 2003

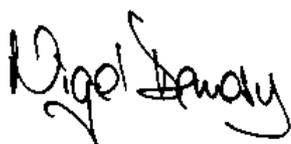
PROLOGUE

Today - 9th July 2003 - marks the second anniversary since *The 49ers* were created. On 8th March 2002, the HKAOA published a *49er Special*. No one would have predicted at the time that it would require an updated version over a year later, but here we are. This sequel is primarily written for AOA members but is also intended as an update for the thousands of pilots belonging to the International Federation of Airline Pilots' Associations (IFALPA), and the many commentators and interested parties world-wide, who are following our progress.

The 49ers issue remains unresolved and relations with management have only slightly improved. An attempt to reengage in December 2002 continues to move us slowly back towards the first real dialogue with management since June 2001. Part of the reason for the unhurried pace is politics. Part of the reason is due to the major aviation industry downturns following the terrorist attacks in the USA in September 2001 and, more recently, the outbreaks of Severe Acute Respiratory Syndrome (SARS) in Asia. Part of the reason is a healthy dose of caution so as not to repeat the mistakes of October 2001, when the Association accepted preconditions only to meet further demands.

As the dispute evolves and 2001 moves further into our history, it is imperative that we keep the experience of *The 49ers* fresh in our mind and that we are not lulled into the illusion that "moving on" may improve our present or our future. Beyond the unquestionable moral issue there is also the issue of our own preservation. The moment we discard the careers of our 51 friends and colleagues, we effectively state that their treatment is acceptable and we remove the last line of defence protecting our own contract and our own career aspirations. We know that, had we taken any other course on 10th July 2001, we would not be functioning today. Now, we need to persevere and not to concede in the false hope that doing so would bring anything more than temporary industrial peace.

Most of what you read below is brand new; other sections have been repeated word for word - lest we forget. It is an all-crucial reminder of our industrial crisis and the massive potential impact it has on us all. Please take the time to sit with your partner and read carefully through this *49er Special II*.



Nigel Demery
President
9th July 2003

INTRODUCTION

South China Morning Post Headline, July 2001: "**Cathay Pacific sacks 49 pilots**"

Thus began the drama of *The 49ers*, escalating what has become one of the most protracted labour disputes in commercial aviation.

Although 3 pilots had been fired the previous week, and one more would be sacked several days later, the events of 9th July would firmly establish the group as "*The 49ers*". Management's aim was reflected in their 9th July press conference, entitled "*The way to end the pilots' dispute*".

Nothing could be further from the truth. Twenty-four months later, the dispute drags on with only a glimpse of a return to dialogue and ensuing peace.

This *BTL Special Edition* will remind you of the history that culminated in the creation of *The 49ers* and what 51 of our members and their families have subsequently had to endure on our behalf.

BACKGROUND

How did the incomes, careers and aspirations of 51 of our colleagues get snatched from their grasp? Although covered comprehensively in the original *49ers Special*, it's worth revisiting the day and reminding ourselves that it truly could have just as easily been you or me.

In June 1999, under threat of dismissal, agreement was reached on a new Conditions of Service (CoS) for the 700 pilots who had joined the Company prior to April 1993. After several weeks of unsuccessful negotiations, a revised set of CoS had been put before individual pilots in May with a deadline for acceptance of 11th June. Pilots who did not sign the new CoS would be fired 1st July. The stress of this sobering rider caused many to exercise their obligations under the Air Navigation Order (ANO) and present themselves as unfit to operate commercial aircraft.

Just prior to the 11th June deadline, a third set of CoS was negotiated at the final hour. Due to the forced timeline, not all of the issues could be resolved. Nevertheless, the industrial *status quo* existed for a year whilst attempts were made to resolve the outstanding issues. Delay followed delay and industrial relations deteriorated until, with little alternative, the Membership passed a Limited Industrial Action (LIA) resolution, effective 1st July 2001, designed to encourage management to return to formal and productive negotiations.

Negotiations

On 21st June 2001, both parties met under the conciliation services of the Hong Kong Labour Department. As the negotiations evolved, the HKAOA recounted that it had heard that a senior manager was telling pilots that management would “*sack 20-30 pilots and the rest would fall into line*”. The HKAOA reiterated that escalation should be avoided and, before the Labour Department officials, management strongly denied the reported incidents.

On 28th June, 3 days prior to the effective start date of LIA, negotiations failed primarily due to the lack of openness; management refused to provide necessary data to evaluate the current contract and left the meeting to hold a pre-arranged press conference.

The First Week

LIA began on 3rd July 2001. One flight, from Los Angeles, was significantly delayed primarily due to a misinterpreted roster change. Two pilots were fired on 5th July as a direct consequence. A non-union, third pilot was simultaneously fired for allegedly breaching his contract on an unrelated incident. Overall, hundreds of flights were cancelled and thousands of passengers were delayed as management leased outside carriers to provide services. Meanwhile, hundreds of pilots sat unnecessarily at home on reserve and Cathay aircraft sat idle on the tarmac. LIA did not directly cancel a single flight as management executed their plan, which was designed with government backing to escalate the dispute and break the union.

On 9th July, another 49 pilots were sent DHL express post notification that they had been terminated without contractual Disciplinary & Grievance Procedure (DGP). Despite claims of “anti-company” behaviour in the media, not one *49er* was, or has ever been, given a reason for dismissal.

Termination Notification

Over the next several days, pilots around the world discovered that they had become a *49er*. Although the prime method of notification was by courier package, many pilots were not at their home delivery address on 9th July. Many were either in outports on duty, on leave, or sick, and others simply did not receive the letter. Some were either rung up in the middle of the night or were fired by fax. Management added to the confusion by refusing to provide a list of fired pilots and many were forced to telephone in to find if they were on the “hit list”. One even reported for duty only to discover his electronic employee card would not allow him access at Cathay City.

Where the Axe Fell

23 Captains and 28 First Officers had their careers abruptly terminated that July. The 51 included four of your seven negotiators who were volunteering long hours to the services of their colleagues. Out of your Committee’s 20 members, five were sacked, including four Principal Officers. Seniority was no protection – time in the airline ranged from 2 to 23 years. Union activity was a definite factor in several cases, but many appeared to be completely random.

The 49ers included 11 past and present union officers whose greatest crime was defending *your* career. The group also included the chairman and vice chairman of the *Sunnyside Club* charity. It included every rank, former managers, training Captains and Captains with almost a quarter century of service and an unblemished personal file.

Justification

Does this sound like a group of individuals you would fire in the midst of their careers? Many *49ers* donated countless hours of volunteer time for the benefit of the profession. Many talented individuals had made substantial contributions to the company. So, why fire them? Critics have compared the *49er* “cleansing” to China’s Cultural Revolution where many of society’s most capable and educated citizens were imprisoned, or worse. Their crime? In many cases it was being bold enough to speak the truth. In others, it was simply being intelligent and motivated, and therefore a “threat” to unilateral decision making.

Rumour abounds as to why some were chosen instead of others, but such talk must be properly dismissed as unsubstantiated hearsay. The fact remains that not one of *The 49ers* was either cautioned or counselled prior to their termination. They were then cynically denied their right to Disciplinary & Grievance Procedure (DGP) under the now infamous “no particular reason” pretext.

No one deserved that treatment. Since the dismissals, the personal files of *49ers* have been made available through “discovery” and not one had a crime on his file that could validate a DGP carrying the penalty of dismissal.

None of *The 49ers* deserved their fate. Not one of them. If you find yourself speaking to someone who in any way justifies why *The 49ers* were fired, or why that someone could not have been on that list – speak up and let the truth be heard.

Immediate Financial Impact

Upon termination, all of *The 49ers* were contractually entitled to a minimum of 3 months’ salary in lieu of notice and Provident Fund payout. However, due to “vesting”, Hong Kong based officers who joined after April 1993 saw only a fraction of their retirement provision returned. Management then withheld payment of salary on the pretext of possible tax liability. Management subsequently informed the Inland Revenue Department (IRD) that all of *The 49ers* were leaving Hong Kong.

The result was that the IRD issued immediate tax demands to be paid within 7 days despite many of *The 49ers* being permanent residents of Hong Kong.

When some of *The 49ers* approached the IRD they were initially treated sympathetically and told that the tax demands could be held over provided they were not leaving Hong Kong. However, as soon as the officials found out that they were “the Cathay pilots”, they immediately changed their stance and insisted that the demands be paid in full by the due date.

Management further exacerbated circumstances by misreporting *The 49ers*’ income. The payment, purportedly in lieu of notice, was reported as income and therefore taxable, whereas payments in lieu of notice are actually non-taxable. Similarly, management reported housing assistance and travel allowance as fully taxable income. The result was that *The 49ers* received tax demands far in excess of their actual tax liability and they still had to pay this overcharge immediately.

Financial Subsistence

Few industrial confrontations are without risk and, given the strong arm tactics employed by management in the escalation of the 1999 negotiations, it was reasonably assumed by the HKAOA that the probability of a union bust attempt was high. This was discussed in the run up to LIA and the Membership overwhelmingly committed to the financial support and welfare of any victimised pilots and their families through a steep rise in subscriptions.

The requirement for assistance and support varied greatly between individual *49ers* and continues to do so. Some were in the process of moving or buying a home when their income stream was abruptly cut off and many were faced with the sobering realities of the collapse of the Hong Kong property market.

The basic premise was to cover the “big four”: food, housing, education and medical. However, it is inevitable that requirements differ significantly within such a disparate group. The system continues to be managed and scrutinised by a discrete sub-committee. From the outset, nine officers did not accept any subsistence and that number has steadily increased. Without exception, all *49ers* have made significant sacrifices and drained personal reserves in an effort to reduce the burden on the Membership. This they have done whilst dealing with the stress that the manner of their termination and lack of closure inevitably causes.

After 9th July

Despite management’s aggressive action in firing 51 union pilots “*for no specific reason*”, the HKAOA refused to be drawn into an escalatory response. Management assumed that the union would respond with strike action. With 23 leased aircraft already in position and without full preparation for major industrial action, a strike would easily have been broken at that time. Instead, the Association chose to continue its incrementally increasing LIA. One of the side effects of firing 53 pilots, on an already undermanned airline, is an increased crew shortage. Management’s only option to keep the airline flying was to breach the then current rostering/manning provisions.

With government support, Cathay unilaterally introduced a new set of Rostering Practices (2001) on 1st August, giving the company 28% more work from the pilots. In response, the union filed for a preventative injunction and 1300 pilots filed their individual legal rejection of the new terms. It would take 21 months for the Hong Kong legal system to uphold the pilots’ previous terms and rule that Cathay Pacific Airways had breached the pilots’ contracts. As this *Special BTL* goes to print, the pilots are still being forced to work under the newer rules.

Labour unions world-wide were not slow in expressing their outrage at management's actions. To date, some 30 major unions representing 6 million employees (equal to Hong Kong's population) have committed their support to the HKAOA. From small unions - such as Bulgaria ALPA - to some of the world's biggest - the US International Brotherhood of Teamsters and the UK Transport and General Workers' Union - the message was the same: the Swire Group's CPA management was wrong in its appalling treatment of its employees.

TWO YEARS ON...

Legals

For the protection of everyone's careers, it was necessary to pursue justice through legal avenues. Inevitably, this course is expensive and prolonged but it does represent an investment in *all* of our careers. Slowly, it is bringing results but the cost of such representation is beyond the individual and it is worth remembering that only our collective financial resource can prosecute this transgression to its fullest extent.

The status of the court actions around the world highlights only too well that legal remedy is not an answer to *The 49ers'* plight. The UK case is the furthest along having received one ruling on jurisdiction and registration of appeal. It is true that only the Membership holds the key to *The 49ers'* future.

United Kingdom. Both parties have lodged appeal to the initial ruling which granted jurisdiction to the majority of *The 49er* plaintiffs. To date, the Company has, interestingly, filed no defence to its actions. We await a date for the next hearing.

Australia. Just a week ago, on 2nd July, judgement was handed down in favour of the *49er* plaintiffs allowing them to have their case held in the State Industrial Relations Commission with the full merits being heard, rather than in the Federal High Court. We wait to see if this most basic question of jurisdiction will be appealed.

USA. Six of the nine *49er* plaintiffs, denied jurisdiction to have their case heard in the home base of California, are transferring to a HK action. Three *49er* plaintiffs have had their case "stayed" pending outcome in Hong Kong.

Hong Kong. The "discovery" phase continues with an initial hearing unlikely before the end of 2003. Members will recall the so-called "Star Chamber" that convened in the first week of July 2001 to decide which Officers' careers would end. More and more is now becoming known about this abhorrent process. Discovery has revealed the names of 20 Star Chamber participants although it is yet to reveal plausible "reasons" for termination. Discovery has predictably met stiff resistance, but continues to amplify exactly what was discussed and by whom, in establishing which employees to select. Watch this space.

United Nations Investigation

IFALPA, representing 100,000 pilots in 95 Member Associations, lodged a formal complaint with the United Nations' International Labour Organisation (ILO). After careful consideration, the ILO Committee of Freedom of Association issued its 16-page interim report in March 2003. The report was lengthy and detailed and included observations such as:

"The Committee notes that this case concerns allegations that Cathay Pacific Airways dismissed 50 pilots by reason of their trade union activities, refused to enter into meaningful

negotiations, tried to break up the union and committed other acts of intimidation and harassment, while the Government has left these practices unchecked”.

The ILO interim recommendations were:

- (a) *The Committee expresses concern at the dismissal of 50 HKAOA members and officers following the lawful staging of industrial action in July 2001 and the decision not to institute legal proceedings against Cathay Pacific for absence of sufficient evidence; the Committee requests the Government to provide the material of the investigation conducted on this case.*
- (b) *The Committee hopes that the High Court will give its ruling as soon as possible and requests the Government to keep it informed of the outcome of the civil action brought before the High Court by the pilots who were dismissed following the industrial action staged in July 2001 and, if the Court finds that the dismissals were on anti-union grounds, to take all necessary measures with a view to the possible reinstatement of the pilots in their previous employment without loss of pay, and to ensure that the enterprise faces any legal sanctions imposed.*
- (c) *Noting that this is a long-running and serious dispute, the Committee requests the Government to take all necessary measures as soon as possible to put an immediate end to all acts of interference, anti-union discrimination and intimidation against HKAOA and its members, prevent their recurrence in the future and keep it informed of measures taken in this respect, including any legal action that may be initiated with regard to such acts.*
- (d) *The Committee requests the Government to take all necessary measures as soon as possible in order to put an immediate end to practices which are contrary to Article 4 of Convention No. 98 and to encourage and promote negotiations in good faith between Cathay Pacific Airways and HKAOA with a view to finding a rapid and comprehensive solution to all outstanding issues. The Committee requests to be kept informed in this respect.*

Summary

Two years on, *The 49ers* have received world-wide support and intervention by major organisations. Nonetheless, the Hong Kong government and the Swire Group stubbornly continue to uphold Cathay management’s unjustifiable actions. It is time to recognise that the escalatory action in July 2001, which was designed to induce a strike, failed. At the time, it was costly not only to the Company and the Association, but to our airline’s customers as well. The situation continues to mar Hong Kong’s reputation as a leading Asian business centre and it undermines China’s efforts to rejoin the world community.

The 49ers Today

Where are they now?

Of the 51 of your colleagues fired two years ago:

- Three remain in Hong Kong. Two devote their time to the Association’s various legal battles and one continues to help the Association administratively
- Five have continued to serve their General Committee, though four of those will relinquish their position at the end of this term in September
- Of three who reached age 55, two have decided to retire

- Seven have found work flying for low-cost and charter carriers in Europe
- Fifteen work for second-tier Asian carriers at a fraction of their previous salary
- Two fly for low-cost carriers in Canada
- Two fly for low-cost carriers in Australia
- One has become a simulator instructor
- One flies charter flights based out of South America
- Three have re-entered the Air Force
- Three have found work outside of aviation
- Three more have turned to private business
- Nine remain unemployed
- Three have medical problems
- One is dead

Financial Recovery

Some ex-members seem to be under the impression that *49ers* have been able to “move on” financially because they have found alternate employment. This thought process ignores much of the reality of their dilemma however. Despite the absence of a reason for termination, not a single *49er* has been able to get past the employment barriers of a major carrier. **Not one.** Not a single *49er* has been able to come remotely close to replacing his previous income; in fact, the vast majority earn far less than half.

Think about the alternatives: second-tier carriers, charter operations or low-cost airlines for the lucky ones. Moving to a new job doesn’t always allow a *49er* to completely withdraw from subsistence. Most second-rate jobs pay only 15-25% of former income. Despite drastic changes in lifestyle and depletion of savings, the new incomes sometimes just aren’t enough. What would you do if you had an 85% cut in your salary? Though our 3% contribution to the AOA is significant, none of us would change places with a *49er*, yet we could have very easily been in their place. At 3% subscriptions, it would take the next 33 years to equal the *minimum* amount lost by a *49er* over the last 2 years.

Things we don’t consider each day become a major obstacle for *49ers*. Think of the impact that the 6 month, 15% SLS wage reduction has had on your situation. Now try to imagine a 50% cut for 2 years, with no end in sight; not a place any of us would want to be.

CONCLUSION

The following words, from the original *49er Special*, ring just as true today as when they were printed some 16 months ago:

Your Association is founded on the objective of safeguarding its members and their families. The most basic aim of that objective is protecting a member’s employment. That aim comes before improvements to our own contracts and benefits and every other aspect of union activity. Though this dispute has disrupted all of our lives for some time, that primary objective must come before the goal of industrial peace. We must protect the employment of every individual member above all else. As a union, there can be no other way.

Each and every one of *The 49ers* was targeted to intimidate **you** in an attempt to bust your union, your contract and your career. Not one of *The 49ers* was fairly dismissed. Let me repeat that and I urge you to think about that for a moment – **not one** of *The 49ers* was fairly dismissed. Some had spoken up more than others, some had challenged management more than others, some were apparently random, but **not one** was fairly warned, dismissed or punished. If any of them had breached their contract, there is an established DGP to be followed. That procedure was

blatantly avoided and, as a union, we have absolutely no choice but to seek fair process and fight for the protection of all of our members.

If we decide that it is okay to sacrifice this pilot or that pilot to end the dispute, then our actions are worse than the management that sacked them in the first place - because we have committed to defend them and their families. If we assess individual *49ers* based on our personal opinions or hearsay, we are no different than those who sat around the table and chose whose lives to destroy. To sit in judgement, without evidence and then pass a damning verdict on the lives of families, some of whom we barely know, is to claim the lowest rung on the ladder of ethics and morals.

Yet, as non-*49ers*, we may be in receipt of the biggest reward for our own efforts; for if we do not continue to fight for resolution of the *49er* issue, we will most certainly be next. If we show that we would sell careers and contracts for peace, we will surely learn firsthand the plight of *The 49ers* we left behind.

What is our responsibility to *The 49ers*? We collectively took a pledge to weather the storm and provide for those who were attacked. Although no one expected the dispute to drag on as long as it has, that doesn't lessen our commitment now. There is no "cut-loose" date attached to that pledge and we honour those who have continued to honour our duty of care.

FEEDBACK FROM YOUR *49ERS*

We asked *The 49ers* to send in their uncensored thoughts. Below is a collection of that input. Although there is praise for union assistance within, it is difficult not to feel burdened by the pervasive elements of frustration, bitterness and disappointment. Please think about the following the next time you consider what a *49er* should expect from his future and what you can do to shape it.

* * *

It is almost 2 years since my contract was unfairly terminated. During this time I have applied to just about every airline out there. I have also applied to many non-aviation operations for a job... any job, all to no avail. Who wants to hire a guy in his 40s with no other professional qualifications other than the ones he's used for flying these past 22 years? It does not help that we are in the worst recession since the '70s.

I am first on the list to be interviewed at a large Asian Airline but SARS has put another nail in the coffin that contains my career. The worse part of all of this is the effect this has had on my child. She is used to the situation that I'm in but it's really hard for me to deal with the natural disappointment that comes about when I can't do the things that I used to be able to do. I used to enjoy being a provider; I now would not wish being the object of sympathy on anyone.

* * *

I've been in the hold pool at Emirates since January 2002. Friends of mine applied after me, have been interviewed and were subsequently hired. They have been there six months. I haven't heard a peep from them as to my suitability.

* * *

So I was in Anchorage trying to enjoy what little I have left of a career as well as a couple of beers with my new colleagues. This sort of thing is very rare let me tell you. Then as luck would have it,

in walks a CX guy, an AOA quitter in fact. He was a spineless, selfish, cheap, amoral, "the union sold me out in 1999", kind of guy. I found it very hard not to be sick. I keep myself in check, though I still felt I had to leave early. I am now, the next day, furious over this, and why should I have had to leave anyway? The sooner this thing is over, the sooner I can get beyond this misery and get my life back. Share this with the membership. They have no idea how hard this is.

* * *

Still waiting for my job back! They get their pound of flesh here - 50 flights last month, and 100 hours. Some very old planes that break down a lot!! Hopefully this is coming to an end!

* * *

I remember the day I found out. I was unafraid – I was in Hong Kong and there must have been a hundred members and wives who told me how they would do whatever it took to get me my job back – they would never rest. Do they still feel the same now? If not, why? On that day, a big part of me actually felt, "thank god it's me and not one of them; I know I can handle this better than many others." Now, I'm not so sure.

* * *

I wrote this on the 10th April. Unfortunately nothing has changed since then. I sat on my hands before sending it. My wife read it and said, "Send it. Its how you felt". So here it is.

As I write this, I await the final decision of an officer in Canberra. He will let me know whether, after nearly 9 months of refusals, false starts and raised expectations; I can join the RAAF as an instructor. I also wait to hear if I get an interview for a job in Brisbane with CASA, the Australian CAD. I find it hard to deal with the reality of getting another reasonable job. I have let my hopes be raised only to be dashed several times now. It hurts.

I have considered China Air Lines, but Taiwan, etc is not for me. This makes me feel guilty because I feel that I should be doing almost anything to mitigate the Union's financial support. In the last year, I have flown 150 hrs as QFI on Cessnas at \$38 per hour, for a total of \$5700. I spent \$10,000 of my own money getting the rating.

I am hanging out for this RAAF job. It is to be a "new start". An opportunity created from a crisis. It is very depressing to be knocked back from the brink of a new life.

Although I draw much strength from the likes of John, Quentin, Nigel and all the other Committee members and am continually delighted at the progress in the legal cases, I can not help myself in wanting to be free of this mental burden of waiting for a resolution. I feel that I must get on by myself. Yet I cannot.

I tell the FAN volunteers that my wife and I could not have got through this without the financial help of the Union. Now I want to stand on my own feet, yet can't get the break that I desperately need. Maybe soon...? My wife has had a job as a trainee for the last year. That finishes next week without any follow up job on offer. She has earned at the princely rate of \$11 per hour. She is 48. The realities of life out in the jungle are not so bad on their own.

What is still hard to take, even after 21 months since being fired, is the gross unfairness of it all. I have to be very careful to not allow this to make me a very bitter and frustrated man. I sympathise with all of you that have still to work under the Big Brother atmosphere at Cathay City. That I do not have to do so is probably the only, if perverse, saving grace from the whole sorry mess. Two months before I became a 49er, I nearly accepted a job with the Royal Flying Doctors. \$56,000

per annum plus car. I was so disillusioned that I nearly left then. For me, that story should tell people how I felt even then about being treated. Sign or you're fired - Ha!

* * *

The last we spoke, I was getting a couple of hours of simulator time under my belt ready for the interview. Well, as you have no doubt heard, despite a good showing in the sim, (better than the guy I was teamed up with (his words) and who was subsequently selected), I failed to get the job. A colleague has met representatives there who have admitted that Cathay have poisoned our professional names elsewhere, at least in the Far East, which makes it that much more difficult to earn a good salary.

Another difficult aspect concerning 49ers finding work elsewhere and Cathay being 'themselves' is 9/11. Security checks are being carried out on all pilots even in UK and Cathay and by not giving a reference (for obvious reasons), they have made us '*persona non grata*' as operators, even here in the UK. It is causing great difficulty even with the likes of European Air Charter here.

* * *

I hate using AOA subsistence, but the finance gods were not kind to us. I've reduced my allowance twice, but our home remains worth less than the mortgage owing – what can we do? On the other hand, why should I get a dime less than anyone still employed? We were in this together, and it could have just as easily been someone else. What possible reason is there for my family to suffer unequally over a group decision made by 1400 people?

* * *

- 1) Compliments to those members that have the guts to stay with it.
- 2) Frustration that the gods appear to be against us (e.g. Sept 11th and SARS)
- 3) General feeling, simply that I feel we are doomed
- 4) Hope that I'm wrong.

* * *

How does anyone justify what happened to us? Is there a 49er you didn't like? Do they think any 49ers deserved this? What did I do (other than stick up for everyone else) that deserves a guillotine through my career without notice, without reason, without D&G, without options ... What do you think that I have done that makes me deserve complete financial ruin and utter emotional devastation? If the shoes were reversed I would stand up for them, no matter what the personal risk. What possible unfathomable reason could they have for hesitating to do the same in return?

* * *

My wife still cries often and there are many reasons:

- She works so much that she is missing watching her children grow up;
- Why did it have to be us? I worked harder for the company than anyone she knew;
- Our future is so uncertain;
- My job prospects at best will pay 15% of my previous B scale salary.
- A non-member's wife asked her why she doesn't just "move on". "To what?" she asks me, and "why should I, why not them?"

* * *

Over the last couple of years I have learned a few things. Most of what I have learned is not earth shattering but I thought I would share them with you, since you asked. I have learned:

- That my wife is THE strongest person I know, period
- That my kids are more amazing than even I thought they were
- That MOST people are not who or what they say or think they are: there are people I thought I knew that really don't give a toss about me or my family yet, there are people I hardly know that genuinely do care about the welfare of me and my family
- A lot about friendship and loyalty
- That money brings out the worst in some people
- That adversity brings out the best in others
- There is truth to the philosophy that all evil needs to triumph is for good men to do nothing
- There aren't many people who know the difference between right and wrong running airlines these days

Just a few things I have learned, the hard way.

* * *

After a while, I started to believe that somehow I deserved this, that it was justified. Then I was at the lawyers looking at my personal file – it glowed. Letters of thanks, letters of commendation, and letters of congratulation for promotion... none of us deserved this. Shame on anyone who can make themselves believe that.

* * *

Hello to all the AOA members. I am so impressed by the solid support the Association has had from the members and I am glad that at last we have had some success in the courts. It's been a long time in coming but the members have stuck by the Association and *The 49ers* and I for one am very grateful.

I do believe there will be a solution sooner or later. The strength of our Association and its members have shown they are prepared to hang in there for the long haul

A big thank-you from me to all Association members. Cheers

PS: I am currently employed and doing some flying at last.

* * *

Someone felt fit to tell me about the draining financial impact of SLS on their family, and I wonder how low the oxygen supply is on their planet. They just have no idea of the devastation.

* * *

I have a flying job. It's not anywhere near as good as the job I used to have, but it's all I can get, and I'm grateful to have it. In my defence, I didn't even apply for it. An old friend called me one day and asked me if I still remembered how to fly the 767. A week later I was in ground school. I took it because I needed to get away from the daily reminder that I had been fired by Cathay. I have used this new job as an excuse to leave HKG and all that reminded me of what I could have had. My family also needed to know that we have a future, that my son could still plan on university, and that someday we could retire and not depend on the government to feed us. My wife needed to be able to tell her friends that I had a job. My son needed to be able to say his dad wasn't at the game because he was away on a flight. I need to be able to tell myself I was valuable.

I will forever be amazed and grateful for the support given me and my family by the pilots and families of many I have never met. I know of vacations cancelled, savings dipped into, and gifts not given so that AOA subscriptions could be paid. For some the sacrifice was too much, and I regret the division that has caused in our Union. To the rest, who believe that there is always a price to be paid for having principles, *The 49ers* will always remember your resolve.

I try and keep my life busy with flying. At my new airline we don't have the resources that Cathay provided so I have to try and find answers myself; try and maintain the Cathay standard on my own. I don't get home that often, but we talk every second day. My family now has a reasonable sense of security and while I know deep down that I ran away from the fight, I also know I worked hard for that first year. I would love to get my job back at Cathay Pacific, but I know I will be happier if I don't dwell on the thought. I tell myself that the battle was always about getting a negotiated settlement for all the AOA members, not about getting us our jobs back. It now looks like progress is being made and that a solution is possible if both sides mean what they say. I know the General Committee has the integrity and skill to follow this through to the end.

The cost of the conflict at Cathay Pacific has been high measured by any standard. I know all *The 49ers* have found this difficult and painful. One has even paid the ultimate price. We have all looked for our own way to get by and hopefully move onwards and upwards. I don't know of a single *49er* that wouldn't want his old job back. I just find it easier not to think about it too much.

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POSTSCRIPT

Although it's preferable for *The 49ers* themselves to have the last word, the final thought from above speaks volumes about our current situation. It's easier for us not to think about it too much. Then we could continue with our own lives, but not feel too uncomfortable about *The 49ers* still being in limbo; unsure if they will ever work for Cathay again while being unable to find a suitable replacement position. The jobs that many have found are not acceptable in the long term; let's not pretend that they are.

Where is the indignation and anger that we all felt so deeply? Is two years long enough to heal those wounds? If the above words of *The 49ers'* predicament did not raise your bile and leave that awful taste in your mouth again, then we will fail. Do not let their absence from Hong Kong (out of sight, out of mind?) lull you into believing that the situation for them is better now. It can only be worse. Two years ago, they had nothing but pledges of support, phone calls, e-mails and the all important belief that we would stand by them until the wrong was righted. Can they feel the same today, or has our malaise brought about by time given a new dimension to their suffering: hopelessness? *The 49ers* were badly wronged and have suffered at a level that most of us will luckily never know. Never forget this.

As stated earlier, there is no time limit when it comes to *The 49ers*. It is our collective duty to continue on until the struggle we entered together is brought to a successful conclusion. Unity is the only option.

Never, Ever, Forget – *The 49ers'* Roll of Honour

Sacked

Captain Ron Boyle
Captain Ken Carver
Captain George Crofts
Captain John Dickie
Captain Mike Fitz-Costa
Captain Doug Gage
Captain Ken Gerhards
Captain Brad Harris
Captain Graham Hetherington
Captain Chris Kelly
Captain Steve Lang
Captain Nick Lee
Captain Doug MacLeod
Captain Duncan Middlemass
Captain Keith Munro
Captain Paul Robinson
Captain David Spong
Captain Phil St Hill
Captain Peter Van Der Meulen (*rehired*)
Captain Henry Van Keulen
Captain John Warham
Captain Phil Yaosumi
Captain Craig Young
First Officer Dana Acorn
First Officer Richard Bennett
First Officer Campbell Blakeney-Williams
First Officer Steve Bulteel
First Officer Bruce Burton
First Officer Kai Chung
First Officer Dave Clapson
First Officer Mark Evans
First Officer Quentin Herron
First Officer David Honner
First Officer Brian Keene
First Officer Pierre Morrisette
First Officer Mark O'Toole
First Officer Mike Palmer
First Officer Steve Parrock
First Officer Matt Rogers
First Officer Brett Rosewall
First Officer Bruce Schoettler
First Officer Drew Searle
First Officer Steve Shaw
First Officer Chris Sweeney
First Officer Steve Urqhart
First Officer Craig Van Polgeest
First Officer Brett Wilson
Junior First Officer Pat Doherty
Junior First Officer Damon Neich-Buckley
Junior First Officer Greg England (*deceased*)