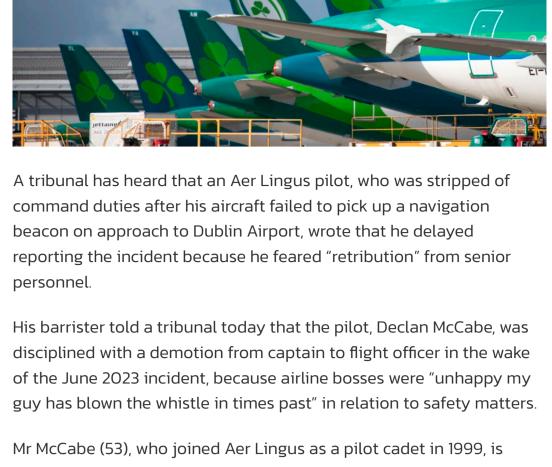
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Aer Lingus pilot said he delayed safety report for fear of

'retribution' from senior staff, tribunal hears Published on 2 December **Workplace Relations Commission** 2025



Safety, Health and Welfare at Work Act 2005, and the Payment of Wages Act 1997 against Aer Lingus Ltd. The complaints are denied by the airline. Giving evidence at a hearing today, Mr McCabe said that on 8 June 2023, he and his first officer were flying an Airbus A320neo jet with 154 passengers and cabin crew on board into Dublin Airport when the

aircraft "didn't capture the localiser" – a radio beacon meant to help

"The weather was clear; we could see the runway. If it was in cloud,

guide the aircraft on the right trajectory to the runway.

pursuing complaints under the Protected Disclosures Act 2014, the

you might consider doing a missed approach, come back around and complete the approach again," he said. Adjudicator John Harraghy asked the complainant to use a biro as a "model aeroplane" to illustrate the final approach on an imaginary line across the hearing room towards him.

Asked why he did not report the incident, he said that the Aer Lingus manual only made it mandatory to report a "false localiser capture". He explained that this would involve a distorted, or "scalloped" signal

giving an erroneous locator beacon along a different bearing to the

"What I done on the day was what I was supposed to do, and that's

He said that in the circumstances, the question of whether or not to make a safety report was left to his own judgment, and he decided not

to. He said he understood it to be a "known problem" at runway 10-L

intended approach path. What happened on the day was a different situation with a different

written in the manual," he said.

procedure, he said.

respond.

McCabe said.

operations safety manager.

Captain Conor Nolan.

to a problem with the aircraft.

They weren't."

week.

involving the Airbus A320 family, on foot of an internal airline briefing note to pilots. "In my judgment there was no area where safety was compromised," he said. The tribunal heard that Captain Colm Wynne, a senior managing pilot

at the airline, made contact with Mr McCabe by email eight days later,

attaching correspondence from Air Nav Ireland in relation to the beacon incident, and asking Mr McCabe to "advise" so he could

Mr McCabe said it was the first he had heard from Capt Wynne in 12

years, following what the complainant called an "outrageous" disciplinary process over a decade prior. It was after he called in to say he was too fatigued to pilot an A320 jetliner, something he was required to do as a licensed pilot, he said. In 2011, a process led by Capt Wynne found Mr McCabe had "shown a

total disregard for the commercial interests of the company" and was "not of the standard of an Aer Lingus captain", the complainant said.

The sanction was reduced on appeal to a final written warning, and he

However, the complainant's evidence was that he had "no comfort that I couldn't call in fatigued again" and remained in fear of "retribution"

recovered his lost pay in a settlement of a Circuit Court lawsuit, Mr

from Capt Wynne, who was subsequently promoted to flight

Mr McCabe said he wrote directly to Air Nav Ireland and told the hearing he did not include Capt Wynne in his reply. David Byrnes BL, appearing instructed by Isabella Nash of Setanta

Solicitors, put it to his client that there was "no love lost" between himself and Captain Wynne. "After what happened in the past, I

Mr McCabe said he later filed an internal air safety report, within 30 minutes of being asked to do so by the company's safety manager,

As well as the contents of his original email to Air Nav Ireland, Mr

wouldn't trust the man, no," Mr McCabe replied.

McCabe included a further paragraph in the new report stating: "The report was delayed because I fear further retribution from certain flight operations personnel." Mr Byrnes said his client and the first officer were subsequently accused of entering the wrong beacon frequency, leaving the jetliner avionics hunting for the signal from a parallel runway.

Mr McCabe said he had been unable to rule that out during an initial safety investigation, but that a subsequent disciplinary hearing, there was "technical evidence" which "changed the narrative" – and pointed

In a legal submission, Mr Byrnes said: "At the crux of this, Aer Lingus is unhappy my guy has blown the whistle in times past. He keeps piping

Tom Mallon BL, appearing for the airline instructed by Katie Rooney of

up and asking when are all those matters going to be investigated.

Arthur Cox, said: "Aer Lingus makes no apologies whatsoever for

putting safety first. "There was an issue. Whether that issue was serious or minor... what we do know was that Mr McCabe decided not to report it. Maybe he was right," Mr Mallon said.

He said Mr McCabe was asked "in the normal way" to give a report, but

He argued that Aer Lingus had subsequently demoted Mr McCabe on

decided instead to go "directly" to Air Nav Ireland "and give them

foot of "a lengthy process at which he was appropriately

elaborate reasons why they were wrong".

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accompanied and represented by colleagues as he wished; [and] exercised his right of appeal". "[Mr McCabe] still doesn't seem to accept the errors of his ways as a captain," he added. Adjudicator John Harraghy has adjourned the matter overnight. The case is scheduled to continue tomorrow and for three more days next

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