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US Jury Awards \$5M In Discrimination Suit Against Arco

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SEATTLE (AP)--A federal jury has awarded \$5 million to three Sikh brothers who contended they were subjected to harassment and eventually dropped by Arco, an oil company for whom they did contract work.

The Bains brothers - Gagandeep, Harinder Paul and Gurinder - own Flying B, a small chain of gas stations in the Okanogan area of Eastern Washington.

In June 1999, after the Olympic Pipe Line gasoline pipeline ruptured in Bellingham, killing three people, Arco needed another way to transport gasoline from its Cherry Point refinery in Ferndale to its tank farm in Seattle. The company began hiring tanker trucks to do the job, and Flying B decided to get into the transport business.

The brothers bought one truck in July 1999 and three more later. But, they said, an Arco employee harassed them and their other East Indian drivers repeatedly - calling them "rag heads," "diaper heads" and "camel jockeys" because of their heritage. Two of the three brothers wear turbans and beards in accordance with their religion.

They were forced to use slower pumps, wait in longer lines and stand in the rain when other drivers were given shelter, they said in court documents.

Eventually, Arco stopped using their company as a contractor, and they sued under federal civil rights law.

On Tuesday, a U.S. District Court jury awarded Flying B \$5 million.

"It's a matter of principle," Harinder Bains said Thursday. "Our voice was heard and I feel much more relieved. Everybody should be treated by their deeds, not by the way they look."

Dan Cummings, a spokesman for Arco, which has since merged with BP, acknowledged the improper actions of one employee - an hourly worker at the Seattle terminal - but said it was safety violations, not discrimination, that led to Arco dropping Flying B.

In court, Arco alleged a litany of safety violations by Flying B and its drivers, from having cracked brake lines to tailgating.

The offending Arco employee was required to undergo counseling, Cummings said.

"We're disappointed in the jury's decision and we're looking at our appeal options," Cummings said. "Arco doesn't tolerate discrimination in the work place, period."

Ed Budge, a lawyer for the Bains, said there was no evidence of disciplinary action against the Seattle terminal worker, nor any internal memos indicating that Arco was concerned about Flying B's safety record.

Initially, Budge said, Arco claimed it dropped Flying B because it had hired too many contractors to haul the fuel.

Budge said the brothers had complained repeatedly about discrimination, but nothing was done to stop it.