

The Seattle Times



Sikh brothers awarded \$5 million in discrimination suit against Arco

Sikh brothers win discrimination suit

BY JOHN ZEBROWSKI / Seattle Times staff reporter

The abuse, said Paul Bains, started the very first day.

The company he and his two brothers own had contracted with Atlantic Richfield Co., which needed trucks to haul gasoline from its refinery in Ferndale to Seattle after the 1999 Olympic pipeline explosion disrupted distribution around the state.

Bains, a Sikh who wears a long black beard and a turban, tried to make the acquaintance of the supervisor at the Seattle gas pumps. "I said 'Hi, my name is Paul,' and held out my hand to shake his hand," Bains said.

The supervisor uttered a derogatory term for people who wear turbans and walked away.

Bains said it was the first of many such incidents for the employees of Flying B, the gas-station company his family started in 1996.

For the seven months Flying B contracted with Arco, its employees, many also Sikhs or from India, were almost constantly abused by

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Arco workers, Bains said. They were insulted, made to wait longer than other drivers for their trucks to be filled and kept out of the lounge where other drivers ducked out of rain and cold.

When their contract with Arco was terminated without warning, the Bains brothers — Paul, Gary and Deep — sued in U.S. District Court in Seattle, accusing the company of discrimination.

On Tuesday, a jury ruled in favor of the Bains, ordering Arco to pay more than \$5 million in damages. The verdict, the brothers said, is vindication for their company, which Arco said was fired because of safety violations and poor performance.

"This is telling them they cannot treat us like this," Paul Bains said. "This is sending a message to Arco and people like that. For us, it is a milestone."

Dan Cummings, an Arco spokesman, said the company does not tolerate discrimination by its employees. He said the man the Bains said was particularly vicious to Flying B workers has gone through counseling.

But he said Arco insists the contract with Flying B was terminated because of safety violations

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DEEP BAINS

Co-owner of company that filed bias suit

and that the company may appeal the verdict.

The Bains brothers contracted with Arco after buying several trucks to augment the six gas stations they own in Eastern Washington. After the pipeline explosion, hauling gas for Arco seemed to the brothers like a smart business move.

The Bains family — including the three brothers, their parents, wives and seven children — started arriving in Washington from India in 1987. Most of the family settled in Okanogan, where there are not many Sikhs. With their distinctive turbans and long beards, Sikhs are often mistaken for Arabs and Muslims.

Over time, the Bains were accepted in their community. During the trial with Arco, a number of residents made the drive to Seattle to support the brothers.

When they started hauling gasoline for Arco, the Bains said they didn't expect to be accepted right away by the other workers and drivers at the company. But because of the relationships they've forged in Okanogan, they expected all it would take was a little time.

"You do your job, and people start liking you," said Deep Bains. "Instead it went the other way."

The brothers complained first to the Arco manager in Seattle and then to the company's headquarters in Los Angeles. Nothing, they said, was done to change the situation.

After Arco terminated their contract, the brothers sued, alleging their civil rights had been violated. The months of abuse from Arco employees were not just painful, but proof, the brothers said, that the loss of their contract was because of who they are, not how they performed.

Losing the job forced the brothers to idle the six trucks they had purchased. Nine drivers had to be laid off.

"These men had families to support," said Paul Bains. "They were living paycheck-to-paycheck. It was very hard to send them away."

With the verdict in, the Bains said they just want to get back to running their business. The brothers are U.S. citizens. Their lives have developed in a way their attorney, Erik Heipt, said reads like the American Dream.

"Of course," Heipt added, "the way they were treated by Arco put a little dent in that."