

## Sikhs win \$5 million from ARCO

By John Craig  
Staff writer

An Okanogan, Wash., fuel-trucking company has won a \$5 million jury award for racial discrimination by ARCO while hauling gasoline for the giant oil company.

The jury of four men and four women deliberated 4½ hours before returning the punitive-damages award late Wednesday in U.S. District Court in Seattle. The jurors determined that ARCO employees violated the civil rights of three immigrant brothers who operate the Flying B fuel distribution company in Okanogan.

The brothers are Sikhs who came to the United States about 15 years ago from their native India and became citizens in the mid-1990s. Two of them still wear the traditional beards and turbans prescribed by their religion, and so do many of their employees, who also are Sikhs.

An ARCO spokesman said Thursday that the company is still considering whether to ask the judge to reduce or eliminate the award, and whether to file an appeal.

Harinder "Paul" Bains, one of the Flying B owners, said he and his brothers haven't decided what to do with the award. But Bains said the money is less important than the moral victory.

"It matters more the principal than the money," he said. "We need to tell the people we are all brothers and sisters and judge each other by his deeds and his words and not by the way he looks."

Bains said he experienced the hostility personally when he began work for ARCO in June 2000.

"I tried to shake one of the lead men's hand and introduce myself, and he did not shake hands," Bains said. "He did not respond, and just walked away. And then he called us racial slurs and set higher standards for us, and our employees had to do more work."

In their lawsuit against ARCO, Bains and his brothers — Gagandeep "Deep" Bains and Gurinder "Gary" Bains — said ARCO improperly canceled their contract to haul gasoline because of ethnic prejudice. The brothers said loss of the contract forced

Jury finds  
firm's  
employees  
discriminated  
against  
immigrant  
brothers

## Sikhs: ARCO may appeal

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them to lay off nine of 12 employees.

A pipeline explosion in 1999 prompted ARCO to hire Flying B and other trucking firms to haul gasoline to Seattle from ARCO's Cherry Point refinery, about 10 miles northwest of Bellingham. The pipeline didn't resume operation until last July, but the Flying B contract was canceled in late 2000, after only 4½ months.

In that time, the Bains brothers said, they and their employees were subjected to a barrage of on-the-job harassment based on their appearance. They said they were the object of racial slurs, and they were forced to use slower gasoline pumps, stand in longer lines and stand in the rain while other drivers were given shelter.

In one case, an ARCO worker told a Flying B employee to clean up fuel that someone else spilled, according to Seattle attorney Ed Budge, who represented the Bains brothers along with his law partner, Erik Heipt.

Budge said the Flying B employee

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agreed to clean up the spill, and asked for a rag. Budge said the ARCO worker's reply was, "Well, why don't you take that rag off your head and use that?"

ARCO spokesman Dan Cummings, in Bellevue, acknowledged that an ARCO employee harassed Flying B workers in "more than one incident." But Cummings said the problem was limited to one nonmanagerial employee, who was reprimanded and counseled.

"ARCO does not tolerate discrimination in the workplace with our employees or our contractors, period," Cummings said.

He said Flying B's contract was suspended because of safety concerns, not prejudice. Flying B's four trucks were cited by the Washington

State Patrol for a variety of problems, including faulty equipment, being overweight and failure to use "drop axles" to distribute the weight more evenly.

Cummings said the company also argued in court that Flying B drivers engaged in unsafe conduct at the Cherry Point refinery and ARCO's Seattle terminal. But Budge said ARCO failed to document any safety violations when they allegedly occurred.

Anyway, Budge said, the reason ARCO first gave for canceling Flying B's contract was that ARCO found it had hired too many trucks.

Harinder Bains acknowledged some citations at weigh stations and that Flying B employees shared cards certifying they had passed ARCO's safety training class. Other ARCO contractors also shared safety cards and were cited by the Washington State Patrol, but none of them lost a contract, he said.

"The only thing they could come up with was about three or four inspection reports, but when you go on the scales 600 times, that may happen," Bains said. "We are a very, very safe company."

"We were trying every day to win their hearts. We worked so hard, but nothing worked out. They just terminated us."