

3 awarded \$5 million in discrimination suit

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NEW YORK: A United States District Court jury in Seattle awarded three Indian-American brothers \$5 million for alleged harassment by an oil company. Gagandeep Bains, Harinder Paul Bains and Gurinder Bains, who own Flying B, a chain of gas stations in eastern Washington state, claimed the oil company, Arco, had discriminated against them and stopped giving them contract work of hauling oil.

Arco hired the brothers' trucks for contract work after the June 1999 rupture of the Olympic Pipe Line gasoline pipeline in Bellingham in which three people were killed. Arco used them along with other truckers, to transport gasoline from its Cherry Point refinery to its tank farm in Seattle, after the pipeline burst.

The Bains brothers complained that an Arco employee harassed them and other East Indian drivers with epithets like "rag heads," "diaper heads," and "camel jockeys," and that they were discriminated in other ways before being finally dropped by Arco.

"It's a matter of principle," Harinder Bains was quoted as saying in an Associated Press report. "Our voice was heard and I feel much more relieved. Everybody should be treated by their deeds, not by the way they look."

But Arco is reportedly looking to appeal the decision. Company spokesman Dan Cummings conceded an employee had behaved improperly, but insisted that Flying B was dropped because of safety violations and not discrimination. "We're disappointed in the jury's decision and we're looking at our appeal options," Cummings was quoted saying. "Arco doesn't tolerate discrimination in the work place, period." Ed Budge, a lawyer for the Bains, was quoted as saying by AP that there were no internal memos at Arco indicating the Bains provided poor service.

Ironically, on May 30 this year, the federal government sued Olympic Pipe Line for the 1999 gas pipe explosion, and earlier this month, the state Department of Ecology fined two companies — Olympic Pipe Line and Shell Pipeline — \$7.86 million, considered the highest-ever fine by the department. The department said its investigations showed employees were poorly trained and not adequately monitored the pipeline. Shell Pipeline is the successor to Equilon Pipeline, which, along with Arco and GATX, owned Olympic.