

# RAPH GRAYBILL



THE INDEPENDENT WATCHDOG

ATTORNEY GENERAL

## **Blueprint for Action: Labor and Unions**

**Montana workers are under unprecedented attack from corporate dark money groups to take away their rights and economic prosperity. The Attorney General must stand up for Montana workers and their families.**

*Graybill's strategy includes defending collective bargaining rights, protecting workers from misclassification, and standing up to attacks against workers' pensions and healthcare. Graybill will continue to stand up to out-of-state special interests groups who come to Montana to buy our elections and implement their anti-worker agenda.*

Montana has a proud history of strong unions, which built and sustain the middle class in Montana. Organized labor has supported thriving communities, good paying jobs, and dignity for workers in Montana for nearly a century. In fact, the very first public-employee labor agreement in America was negotiated by the Butte Teachers Union, AFT Local №332, in Montana in 1935. That's a history we should celebrate. Here in Montana, we know that unions are the bedrock of an economy that works for everyone.

But Montana's legacy as a union stronghold now faces an unprecedented attack from corporate dark money groups outside our state seeking to rip away protections for workers and undermine the bedrock of the middle class. The Attorney General can, and should, step up to defend Montana's workers from those attacks. Simply put, the people of Montana deserve a chief lawyer who fights for workers, not against them, and the Attorney General should be a bulwark against attacks by anti-worker politicians.

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Standing up for workers is at the heart of Raph Graybill's campaign for Attorney General. He's a union alum himself, and his wife is a member of the Montana Federation of Public Employees (MFPE). Raph is a staunch defender of hard-won labor protections and will fight against dangerous attacks from anti-union activists. Graybill understands the importance of having an Attorney General who Montana workers can depend on.

As Attorney General, Graybill will:

### **Fight in court for the right to organize collectively, drawing on his work defending common sense labor laws before the United States Supreme Court**

Workers' rights—like the right to bargain collectively—are on the line and will require a new generation of vigorous, assertive advocacy to protect workers. As Attorney General, Graybill will be an independent watchdog for our rights and prioritize the tough fights to advance and defend workers' rights—whether it's before the United States Supreme Court, or right in our backyard. Graybill understands that Montana has a unique perspective to bring to upcoming fights in the court system to erode workers' rights, and will step up to provide leadership through legal advocacy.

In 2018, Graybill filed a brief before the US Supreme Court, arguing on behalf of all Montana workers that public sector unions should be able to continue collecting 'agency fees'—the reasonable dues that union members pay to support collective bargaining and contract negotiation efforts. Graybill's Supreme Court brief pointed specifically to Montana's history, where 'agency shop' arrangements were crucial to our state's legacy of peaceful, dignified labor negotiations. He told the Supreme Court not to overturn a decades-old policy with a proven record of success in Montana.

Unfortunately, the Supreme Court in *Janus v. AFSCME* kowtowed to the special interest activists that had brought the case, ruling against our working unions. But Graybill knows the fight isn't over. He knows how crucial it is for unions to have an ally who's willing to go to court and aggressively and affirmatively defend the labor peace that our predecessors worked so hard to secure. Graybill will continue to take on tough cases where union rights are on the line, and stand up for Montana workers. Graybill will put labor issues front and center as Attorney General.

### **Stand-up for employees who have been illegally mislabelled as 'independent contractors' and other tricks to degrade workers' rights**

There is a new line of attack to undermine hard-fought worker protections: big, out-of-state corporations illegally mislabeling their employees as "independent contractors." Graybill

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recognizes that intentionally mislabelling workers is part of an unfair scheme to reduce wages and deny hard-earned workplace protections and benefits. If a big corporation deliberately mislabels a worker as an independent contractor just to evade common sense labor laws, it violates basic labor rights. This is happening all across the country and it is the role of the Attorney General to step in and fight for working Montanans.

The problem of misclassifying workers was exacerbated when anti-worker activists hijacked the National Labor Relations Board and issued a new rule, providing that large, out-of-state corporations can use labels to cheat workers out of their protections under the law by declaring workers to be independent contractors, even if they aren't. This decision takes power away from workers.

As Attorney General, Graybill will be a vigilant ally against the misclassification of employees and will ensure not only that workers get justice, but also that all Montana workers get the equal protection of labor laws they deserve. Graybill will stand up against non-compete and no-poach clauses that limit an employee's ability to seek better wages elsewhere. And he'll fend off attacks on bargaining rights to make workers' wages lower and prevent them from negotiating for better workplace protections and benefits.

### **Aggressively protect Montana's best-in-the-nation campaign finance laws, to keep anti-worker dark money groups out of Montana**

Montana has some of the strongest, most transparent campaign finance laws in the nation. But they are only effective if we have an Attorney General willing to enforce them and hold bad actors accountable. We need an Attorney General who has gone to court against dark money groups and won.

In 2018, the IRS made a rule change, without the proper process, that would have allowed dark money groups to shield their donors' names from public scrutiny. It was a direct attack on Montana values and our state's legacy of fair elections that are free from corporate manipulation. Graybill led the case challenging the rule change by the IRS. He won a resounding victory in federal court in Great Falls, and today that rule is gone.

But this fight is far from over, and the IRS is again trying to implement the rule to cloak dark money donors in secrecy. The Attorney General can fight against the corruption of money in politics and protect our values from attack. As Attorney General, Graybill will take on the fight to ensure our elections are fair and transparent, which is essential to stopping dangerous efforts like right to work laws in Montana.

## **Advocate for workers who are forced into unfair “individual arbitration agreements” that deprive them of their rights in court and prevent collective action**

In recent years, powerful special interests have coerced workers into signing away their rights with unfair ‘individual arbitration agreements.’ These agreements essentially create a private courtroom that is biased in favor of big corporations: a private decision-maker gets paid to resolve workplace disputes, and none of the protections given to workers in regular, public courts apply. Worst of all, the big corporation that forces a worker to arbitrate individually is often the one paying the arbitrator. It’s fundamentally unfair and it’s rigged against workers.

These types of forced individual arbitration agreements undermine the foundation of American labor law. In Montana, workers have a right to organize and stand up to unfair practices using their collective power. But these forced “agreements” prevent workers from protecting their rights as a group. Instead, workers are required to pursue claims against their employers individually. Forced individual arbitration clauses intentionally divide unions and weaken their ability to stand up for dignified, fair employment.

As Attorney General, Graybill will investigate the use of individual arbitration clauses to ensure big corporations are not using them to cover up unfair employment practices. He will be an advocate for workers caught up in an unfair system, and will make sure that unions can continue their important work for Montana’s workers.

## **Defend workers’ pensions, healthcare, and retirement benefits by holding big corporations accountable for promises made.**

Pensions, healthcare, and retirement benefits are a promise made by employers to their workers for their years of dedication and sacrifice to a company. When these promises are broken by big corporations, choosing profits over people, it shatters lives and the economic health of Montana families.

Some big corporations have used the courts and bankruptcy laws to deny workers their right to pensions and benefits. These tricks allow big corporations to get out of their obligations made to their employees and leave Montana families high and dry. It is unacceptable and wrong.

Graybill will go to court to defend the rights of workers to receive their full pensions, healthcare and retirement benefits. Promises made are promises owed, and Graybill will stand by workers to defend them.

**SUMMARY: Graybill knows that Montana's workers need an Attorney General who works for them, not for out-of-state special interest and dark money groups. He'll stand up for the right to dignified work, and he'll defend Montana's rich heritage of strong unions and peaceful labor settlements.**

Graybill's campaign for Attorney General centers on bringing advocacy back to the Attorney General's office. Montana has some of the strongest labor laws in the nation, but they don't mean anything without an Attorney General ready to defend them day in and day out.

Graybill is a fighter. He's the only candidate for Attorney General with a proven record of advocating for fair labor laws. He's the only candidate who has vowed to keep dark money out of politics, and has refused donations from corporate PACs. And he's the only candidate for Attorney General who understands the proud heritage of unions in Montana. Montana's workers need an independent watchdog as Attorney General who works for them, and Graybill is ready to go to work.