

# Weingarten Rights

In 1975, the U.S. Supreme Court, when deciding the case NLRB v. Weingarten, ruled that an employee has a right to Union Representation during an investigatory interview. This right is known as "Weingarten." If you are being subjected to an investigatory interview, state the following to management:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my Union Representative, Union Officer, or Union Steward be present at this meeting. Without Union Representation present, I choose not to participate in this discussion.

- **An investigatory interview occurs when:**
  1. management questions an employee to obtain information and
  2. the employee has a reasonable belief that discipline or other adverse consequence may result from what he/she says.
- **When an employee exercises his/her "Weingarten" rights prior to or during the investigatory interview, management has three options:**
  1. stop questioning until Union Representation arrives
  2. call off the interview or,
  3. tell the employee that the interview will be called off unless the employee voluntarily gives up his/her right to Union Representation (an option the employee is strongly encouraged to always refuse).
- The employer is not obligated to inform the employee of his/her right to Union Representation. The employee is responsible for exercising his/her "Weingarten" rights when he/she believes that discipline or some adverse consequence may occur as a result of answering the questions of a supervisor or manager.
- **The Union Steward has the following "Weingarten" rights:**
  1. The right to find out from management what the interview is about
  2. The right to meet privately with the employee prior to the interview
  3. The right to speak and ask questions of management during the interview
  4. The right to assist the union member in answering questions
  5. The right to object to abusive or harassing questions