

WEINGARTEN RIGHTS

“If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. When the employee makes the request for a union representative to be present, management has three options:

- (1) stop questioning until the representation arrives.
- (2) call off the interview or,
- (3) tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to union representation (an option the employee should always refuse).”

Don’t hesitate to request union representation. Too often, our colleagues have waited until it is too late.

Example: Your dean calls you into her office, shuts the door and asks you to sit down. She questions you about the way you handled a certain situation and begins to make accusations. You start to feel anxious and begin to wonder whether you could face disciplinary action.

Should you invoke your Weingarten Rights? The answer is **yes, absolutely. Don’t hesitate!**

Based on the 1975 U.S. Supreme Court ruling of National Labor Relations Board (NLRB) vs. Weingarten, union employees are entitled to have union representation at meetings with supervisors that are investigatory or that could lead to disciplinary action. These rights have become known as the Weingarten Rights.

To invoke Weingarten Rights, a union member should say something like this: “If my response to your questions could lead to my being disciplined, I request union representation at this meeting, and that the meeting be postponed until my union representative arrives.”

Employers will often assert that the only role of a union representative in an investigatory interview is to observe the discussion. The Supreme Court, however, clearly acknowledges a representative’s right to assist and counsel workers during the interview.

The Supreme Court has also ruled that before an investigatory interview, management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview and at any time during the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

While the interview is in progress the representative cannot tell the employee what to say – but he or she may advise them on how to answer a question. At the end of the interview the union representative can add information to support the employee’s case.

Employees must demand their right to be represented in these investigatory interviews. Don’t be afraid to ask for what you are entitled to. **You have these rights. Use them!**