

## Weingarten Rights

The rights of unionized employees to have a union representative present during investigatory interviews were announced by the U.S. Supreme Court in a 1975 case (NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689). These rights have become known as the Weingarten rights.

An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.

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.

Management is not required to offer union representation. The employee must ask to have a union representative present during the investigatory interview. Except in unusual situations, the employee may not delay or cause such an interview to be postponed until a specific union representative is available.

When the employee makes the request for a union representative to be present, management has three options:

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

Once you've asked for union representation, any attempt by management to continue asking questions before a union representative gets there is:

**ILLEGAL** - If supervisors pressure you by telling you that "you're only making things worse for yourself" by asking for union representation, that's against the law too.

Remember, if you are called into your supervisor's office for an investigation, you can't refuse to go without your union representative. All you can do is refuse to answer questions until your union representative gets there and you've had a chance to talk things over.

The Supreme Court has ruled that during an investigatory interview, management must inform the union representative of the subject of the interview. The representative must also be allowed to speak privately with the employee before

the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

And finally, your Weingarten Rights do not arise when management is discussing work assignments, giving instructions, or engaging in other routine discussions with the employee.

These are your rights!