**Weingarten Rights**

In the 1975 case NLRB v. J. Weingarten Inc., the U.S. Supreme Court declared that unionized employees in the private sector have the right to have a steward present during an investigatory meeting with management when the employee believes the meeting might lead to disciplinary action being taken against them. According to the court, these rights arise as a result of the proper functioning of the National Labor Relations Act (NLRA). The rights flow from NLRA Section 7’s guarantee of the right of employees to act “in concert for mutual aid and protection.” Denial of this right violates NLRA Section 8(a)(1). Many states, including Washington, recognize the same rights for public employees. Your contract may include additional language about your right to representation.

Weingarten rights apply during investigatory interviews when a supervisor questions an employee to obtain information that could be used as grounds for discipline. When an employee believes such a meeting may lead to discipline, they have the right to request union representation. These basic Weingarten rights stem from the Supreme Court’s decision:

**WEINGARTEN STATEMENT:**

**“If the discussion in this meeting could in any way lead to my being disciplined or terminated or impact my personal working conditions, I request that my steward, local officer or union representative be present. Without union representation, I choose not to answer any further questions at this time. This is my right under law.”**

* The employee must request representation before or during the meeting.
* After an employee makes the request, the supervisor has these choices:
  + grant the request and wait for the union representative’s arrival;
  + deny the request and end the meeting immediately; or
  + give the employee the choice of either ending the meeting or continuing without representation.

If the supervisor denies the request and continues to ask questions, the employee has a right to refuse to answer. In addition, the supervisor is committing an unfair labor practice (a violation of labor law).

**Employee Rights in Weingarten Meetings**

Beware that management is not obligated to inform employees of their Weingarten rights – employees must ask for them. Unlike Miranda rights – where police are required to tell a suspect of their right to an attorney- employees must ask for their Weingarten rights. Some locals provide members with a wallet-sized card they can keep with them. If they find themselves in a meeting they believe may lead to discipline, they can read or hand the card to the supervisor.

**Steward Rights in Weingarten Meetings**

* Ask to be informed of the purpose of the meeting.
* Meet with the employee before the supervisor begins questioning the employee.
* If necessary, request clarification of a question before the employee responds.
* Offer advice to the employee on how to answer a question or object to improper questioning.
* Provide additional information after the questioning is over.

If called into a Weingarten meeting (investigatory meeting), you should also: 1) take detailed notes on the questions asked and the answers given during the meeting; 2) help the employee remain calm during the meeting; and 3) remind the employee to keep answers short and truthful and not to volunteer additional information.