

Yes, You Have **RIGHTS!**

Weingarten Rights are unionized employees' rights to have a union representative present for any investigatory interview conducted by the employer, in which the employee has a reasonable belief that the discussion could lead to disciplinary action. While these rights were won for private sector employees in a 1975 U.S. Supreme Court decision, they have subsequently been extended to federal sector employees by the Federal Service Labor-Management Relations Statute and many public sector employees by state legislation and collective bargaining agreements.

What Employees Should Say to Invoke **WEINGARTEN RIGHTS:**

“If this discussion could in anyway lead to my being disciplined or terminated, or affect my personal working conditions, I hereby request that my steward or union officer be present at the meeting. Without representation, I choose not to answer any questions.”



What Employees Should Know About **WEINGARTEN RIGHTS:**

- The employer has no obligation to inform the employee of the right to union representation. Therefore, the employee must make a clear request for a union representative before or during the investigatory meeting.
- After an employee requests a union representative, the employer may either grant the request and wait until a union representative arrives, or deny the request and end the meeting immediately.
 - *If the employer grants the employee's request for a union representative, then the employee should respond to the questions once the union representative is present.*
 - *If the employer states that the employee will be disciplined and denies the request to have a union representative present, then the employee should stay in the room, take notes and not respond to any questions. Afterwards, the employee should contact a union representative immediately.*
- If the union representative is present at the investigatory meeting, the union representative has the right to: know the subject of the investigatory meeting; privately confer with the employee prior to the meeting; and speak in the meeting.