

Know Your Weingarten Rights

As union members, we have a special right to union representation during investigatory or disciplinary meetings or interviews. These legal rights are known as our Weingarten rights. These rights were established by the U.S. Supreme Court and they apply only to union members.



Invoking your Weingarten rights

Management does not have to remind you of your Weingarten rights. It is always up to you, the union member, to know when and how to invoke them. You are not entitled to have a union rep present every time a supervisor wants to speak with you. A union rep is necessary only when you are faced with what appears to be a disciplinary or investigatory interview. When you find yourself in this situation, you may respectfully request your Weingarten rights by saying:

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

Please note that if you are called into a manager’s office for an investigatory interview, you must go, even without union representation being present. You are free, however, to not answer any questions until a steward arrives and you have had an opportunity to consult privately. Likewise, if you are called and questioned over the phone, you may withhold your answers until a union rep is present to assist you.

MOSES recommends that you carry a Weingarten card on your person at all times. You can request and obtain a Weingarten Card from your local your steward or the MOSES office.

Weingarten rules and rights defined

The Supreme Court established three rules to govern investigatory interviews. The first rule applies to the employee, the second applies to the employer and the third rule defines when an unfair labor practice has occurred.

The **first rule** requires that an employee’s request for a union rep be stated clearly and be made before or during the interview. The **second rule** requires employers to respond in one of three ways. The employer may one, grant the employee’s request and delay questioning until the rep and employee have had time to consult privately; two, deny the request and end the interview; or three, give the employee a clear choice of either continuing the interview without representation or ending the interview. The **third and final rule** states that an unfair labor practice has occurred if the employer denies union representation and then continues to ask questions. An employee in this situation cannot be disciplined for having refused to answer the employer’s questions.

In addition to the above mentioned rules, union employees have the following rights:

Right to request a union representative;
Right to delay an interview until a union rep is available;
Right to ask if you are a suspect in a criminal matter;
Right to deny a search of your person or property;

Right to deny waving any rights including the right to remain silent;
Right to deny signing a waiver-of- rights form.