# Weingarten Rights

**NLRB v. J. Weingarten**

*In the 1975 case NLRB v. J. Weingarten Inc., the U.S. Supreme Court declared that unionized employees have the right to have a steward present during a meeting with management when the employee believes the meeting might lead to disciplinary action being taken against him/her.*

*Weingarten rights apply during investigatory interviews when a supervisor is questioning an employee to obtain information that could be used as grounds for discipline. When an employee believes such a meeting may lead to discipline, he/she has the right to request union representation. These basic Weingarten rights stem from the Supreme Courts decision:*

*1. The employee must request representation before or during the meeting.*

*2. After an employee makes the request, the supervisor has these choices:   a. Grant the request and wait for the union representatives arrival;   b. Deny the request and end the meeting immediately; or   c. Give the employee the choice of either ending the meeting or continuing without representation. 3.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.*

**Employees 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 his/her right to an attorney, etc. -  employees must ask for their Weingarten rights. We provide members with a wallet-sized card they can keep with them. If you find yourself in a meeting in which you would believe may lead to discipline, you can read or hand the card to the supervisor.*

**Stewards 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. Provide additional information to the employee after the meeting is over. If called in to a Weingarten meeting, you should also: 1) take detailed notes on the questions asked and the answers given during the meeting; and 2) help the employee remain calm during the meeting, and remind the employee to keep answers short and truthful and not volunteer additional information.*