



Know Your Rights Training

Employees have Weingarten rights only during investigatory interviews: 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. You as the Employee **MUST** ask for representation; the Employer is **NOT** required to offer it unless requested by the Employee.

If an employee has a reasonable belief that discipline or other adverse consequences may result from what he says, the employee has the right to request union representation.

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

- (1) They can stop questioning until the representative arrives.
- (2) They can call off the interview or,
- (3) They can tell the employee that they 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.

WEINGARTEN RIGHTS



HANNON LAW GROUP

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Employers will often assert that the only role of a union representative in an investigatory interview is to observe the discussion.

The NLRA has established the following rules regarding Weingarten representation:

- Management must inform the union representative of the subject of the interrogation.
- The representative must also be allowed to speak privately with the employee before the interview.
- During the interview the representative cannot argue with the employer, but can interrupt to clarify a question or to object to confusing or intimidating tactics.
- While the interview is in progress the representative cannot tell the employee what to say but s/he may advise them on how to answer a question.
- At the end of the interview the union representative can add information to support the employee's case.

Know the limits: Just as it's important to know what your Weingarten rights are, it is also important to know the limits. You are not entitled to have a representative present every time a supervisor wants to talk to you. Remember, if the discussion begins to change into questioning that could lead to discipline, you have the right to ask for representation before the conversation goes any further. If you are called into the supervisor's office for an investigation, you can't refuse to go without your 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.



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