

# **your WEINGARTEN RIGHTS**

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion.”

**USE THE LANGUAGE  
ABOVE TO ASSERT YOUR  
WEINGARTEN RIGHTS**

**EMPLOYERS HAVE  
NO OBLIGATION TO  
INFORM YOU OR  
YOUR CO-WORKERS  
OF YOUR RIGHT TO  
REQUEST UNION  
REPRESENTATION.**

**KNOW  
AND ASSERT  
YOUR RIGHTS!**



**[www.cmrjb.org](http://www.cmrjb.org)**

**Chicago and Midwest  
Regional Joint Board  
WORKERS UNITED**



The Federal Government says:  
“you have the right to have  
a co-worker present for any  
questioning by supervisors that  
may lead to discipline.”

(NLRB vs. Weingarten Inc., 420 U.S.  
251.88 LRRM 2689)

During an investigatory interview, the Supreme Court ruled that the following rules apply:

**Rule 1:** The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

**Rule 2:** After the employee makes the request, the employer must choose from among three options:

**A.** Grant the request and delay questioning until the union representative arrives and (prior to the interview continuing) the representative has a chance to consult privately with the employee;

**B.** Deny the request and end the interview immediately; or

**C.** Give the employee a clear choice between having the interview without representation, or ending the interview.

**Rule 3:** If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

## WHY ARE MY WEINGARTEN RIGHTS IMPORTANT?

1. For protection from unfair discipline.
2. For fair and equal treatment.
3. To have a witness present.

## WHY DOES UNION REPRESENTATION HELP?

1. It helps fearful or inarticulate workers explain what happened.
2. Raise extenuating factors.
3. It advises a worker against blindly denying everything, thereby giving the appearance of dishonesty and guilt.
4. Helps prevent workers from making fatal admissions.
5. Stops a worker from losing his/her temper and perhaps getting fired for insubordination.
6. There will always be a better chance to fight a disciplinary action by the company when you have a union steward by your side.

## WHY IS IT IMPORTANT FOR UNION STEWARDS TO KNOW ABOUT WEINGARTEN RIGHTS?

1. Serve as a (non-silent) witness to this interview
2. Contradict a supervisor's possibly false account of said interview
3. Prevent intimidating tactics or confusing questions by supervisor
4. Prevent the member from making self-incriminating statements or admissions
5. Advise the member, under certain circumstances, to deny everything
6. Warn the member about losing his or her temper
7. Discourage the member from informing on others, i.e., co-workers
8. Identify any extenuating or mitigating factors that could benefit the member



**STAND PROUD, STAND STRONG!**