

Weingarten Rights

When management begins to ask you questions that could lead to your being disciplined, you don't have to face it alone. If you have a reasonable belief that answers you give could be used by the boss to discipline you, the U.S. Supreme Court says you can refuse to answer any questions until the union steward is on the scene and has had a chance to talk things over with you first.

It's your right to have the steward present during the questioning to advise you, ask supervisors for clarifications, and provide additional information at the end of the session.

If you are called at home and asked the same kind of questions, you have a right to insist on waiting to answer them in the presence of a steward. Once your union representative is allowed to participate, you are required to answer the questions truthfully.

These protections are known as your Weingarten rights--named after the 1975 case in which the court decided the rights exist. The Weingarten ruling applies specifically to union members covered under the National Labor Relations Act.

The boss is under no obligation to tell you about the right to have a steward present. You have to know your right and ask to use it. Once you've asked for the steward, any attempt by management to continue asking questions before a steward gets there is illegal. If supervisors pressure you by telling you that "you're only making things worse for yourself" by asking for a steward, that's against the law too.

What to Say if Management Asks Questions That Could Lead to Discipline:

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

Just as it's important to know what your Weingarten rights are, it's also important to know the limits.

You're not entitled to have a steward present every time a supervisor wants to talk to you-- like about how to use a certain tool or what your assignments are for the day. But if the discussion begins to change into questioning that could lead to discipline, you have the right to ask for your steward before the conversation goes any further.

If you're called in to the supervisor's office for an investigation, you can't refuse to go without your steward. All you can do is to refuse to answer questions until the steward gets there and you've had a chance to talk things over.

**These Weingarten Rights adapted by J.R. Holmes
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