

WEINGARTEN RIGHTS

(Union Representation During Investigation)

One of the most vital functions of a Union Steward is to prevent management from intimidating employees. Nowhere is this more important than in a closed-door meeting when supervisors, often trained in interrogation techniques, attempt to coerce employees into confessing to wrongdoing.

The rights of an employee to the presence of Union Representatives during **INVESTIGATORY INTERVIEWS** was announced by the U.S. Supreme Court in 1975 in *NLRB v. J. Weingarten, Inc.* Since that case involved a clerk being investigated by Weingarten Company, these rights have become known as Weingarten rights.

Union Stewards should encourage workers to assert their Weingarten rights. The presence of a Steward can help in many ways. For example:

- The Steward can help a fearful or inarticulate employee explain what happened.
- The Steward can raise extenuating factors.
- The Steward can advise an employee against blindly denying everything; thereby giving the appearance of dishonesty and guilt.
- The Steward can help prevent an employee from making fatal admissions.
- The Steward can stop an employee from losing his/her temper.
- The Steward can serve as a witness to prevent supervisors from giving a false account of the conversation.
- The Steward can stop the supervisor from going on a "fishing" expedition.
- The Steward can keep the supervisor on track.