

Weingarten Rights

UNION REP RIGHTS

Employers sometimes assert that the only function of a REP at an investigatory interview is to observe the discussion; in other words, to be a silent witness. This is incorrect. The REP must be allowed to advise and assist the employee in presenting the facts. When the REP arrives at the meeting:

- The supervisor or manager must inform the REP of the subject matter of the interview: in other words, the type of misconduct being investigated.
- The REP must be allowed to have a private meeting with the employee before questioning begins.
- The REP can speak during the interview, but cannot insist that the interview be ended.
- The REP can object to a confusing question and can request that the question be clarified so that the employee understands what is being asked.²⁰⁰
- The REP can advise the employee not to answer questions that are abusive, misleading, badgering, or harassing.
- When the questioning ends, the REP can provide information to justify the employee's conduct.

WEINGARTEN CARD

(If called to a meeting with administration, read the following or present this card to administration when the meeting begins.)

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 be present at this meeting. Until my rep arrives, I choose not to participate in this discussion.