



What Are Weingarten Rights?

Ever face a situation where an employee asks for a union representative during an investigation? That's Weingarten Rights in action. Based on a landmark 1975 Supreme Court Case, [NLRB v. J. Weingarten, Inc.](#), it grants unionized employees the right to have a representative present during any investigatory interview that *could* lead to discipline.

What do Weingarten Rights Mean?

Put simply, they grant unionized employees the right to have a union representative present during any investigatory interview that could lead to discipline, such as:

- Performance reviews with disciplinary implications;
- Interrogations regarding alleged misconduct;
- Meetings about potential layoffs or reductions in force;

As an Employer, understanding and respecting Weingarten rights is crucial to avoid unfair labor practices and legal complications.

Strategies for handling Weingarten Requests:

- Respect the request: If an employee requests a union representative, grant the request and provide a reasonable amount of time for the representative's arrival. Failure to grant this request is an Unfair Labor Practice;
- There are three options an employer can take
 1. Grant the request and delay the interview: This allows the employee time to contact their representative and postpone until they arrive;
 2. Discontinue the interview: End the current interview and resume it with the union representative, if necessary;
 3. Offer the employee a choice: Proceed with the interview without representation or reschedule with their union representative present;
- Focus on fact-finding: Conduct thorough investigations before reaching conclusions;
- Documentation: Maintain detailed records of the interview, including the request for representation and any objections raised;
- Proactive communication: Address employee concerns openly to help minimize the unnecessary invocation of Weingarten rights;

Remember – knowledge is power; understanding Weingarten Rights helps to protect your company and ensures fair treatment. All supervisors and managers should be versed in protocol of Weingarten rights. Proactive communication addresses employee concerns and helps minimize any unnecessary invocation of Weingarten rights.

Additional information from the NLRB can be found [here](#).

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