

## **Worker's Right to Union Representation "Weingarten Rights"**

A worker is entitled to have a union representative when a supervisor asks for information, which could be used as a basis for discipline. **The worker must ask** for a steward or other union representative before or during the investigatory interview. Management must allow a union representative when it questions an employee to get information and when the employee has reasonable belief that discipline or other adverse consequences could result from the questioning: **Note: always check your contract for rights which may go beyond the rights spelled out in *Weingarten*.**

1. I am a department steward. If I see a worker being questioned in a supervisor's office, can I ask to attend the meeting?
2. An employee was ordered by her manager to go to the personnel office for a "talk" about her attendance. She asked to bring her steward, but the manager said she would have to make this request when she got to the office. Can the employee refuse to go to the office without her steward?
3. If management asks an employee to submit to a urine test for drugs, does *Weingarten* apply?
4. An employee was called into the plant manager's office. She asked for her steward, but her request was ignored. The manager said, "Doreen, yesterday you violated a supervisor's order. We are giving you a one-day suspension for insubordination." Did the company violate the *Weingarten* rights?
5. If an employee's steward is out sick, can the employee insist that an interview be delayed until the steward comes to work?
6. I am a steward. If I am called in by my supervisor to discuss a problem with my work, can I bring my chief steward?

## Answers to the Weingarten Rights

1. Yes. A steward has a protected right to request admission to such a meeting. If the meeting is routine, the request can be denied. But if the meeting is an investigatory interview, the employee must be allowed to indicate whether the steward's presence is desired.
2. Yes. The supervisor is raising the specter of discipline to coerce the employee into abandoning his *Weingarten* rights. This is an unfair labor practice.
3. Partly. When no questioning takes place, a urine test is not an investigatory interview and an employee does not have a right to the presence of a steward. Management must, however, allow the employee to consult with a union representative to decide whether or not to take the test.
4. No. *Weingarten* rights do not apply to a meeting where an employer simply announces discipline.
5. No. If the union is responsible for the representative not being available, another representative or employee can be called in. If the employer is responsible for the representative being available, then the supervisor must end the meeting until the representative is available.
6. Yes. Stewards have the same *Weingarten* rights as other employees. If you have a fear of discipline or other adverse consequences, you are entitled to assistance.
7. Sources: The Legal Rights of Union Stewards, by Robert M. Schwartz  
Available from Work Rights Press, Box 391887, Cambridge,  
Massachusetts 02139 (Telephone: 1-800-576-4552).

### The Grievance Procedure: Making it Work for Us

Available from the Teamsters Union Department of Training & Development, 25 Louisiana Avenue, N.W., Washington, D.C. 20001 (Telephone: 202-624-8117).