



Your Weingarten Rights

Established by the Supreme Court's 1975 decision, *NLRB v. J. Weingarten, Inc.*, Weingarten Rights give all unionized employees the right to union representation during any investigatory interview. These fundamental union rights protect employees from unfair and/or abusive treatment by management. *The NLRB does not currently afford these rights to nonunionized workplaces.*

Weingarten Basics

- Weingarten Rights only apply to meetings where the employee reasonably believes that discipline or other adverse action could result.
- Weingarten Rights do NOT apply to “run-of-the-mill shop-floor conversations,” such as issuing instructions, assigning work, or administering training.
- Management is NOT obligated to inform the employee of their Weingarten Rights. Rather, the employee must already know about their Weingarten Rights and make a clear request for union representation.
- If an employee clearly requests union representation and management refuses, then the employee may refuse to answer questions. The employee may NOT unilaterally end the interview, but may decline to answer questions until a shop steward is provided.
- An employee may request a shop steward of their choice, but if that person is not available, management may insist on proceeding with the interview as long as another shop steward is available.

Weingarten Rights do NOT give employees “the right to remain silent.” An employee who is being questioned by management must answer fully and truthfully. If they refuse or fail to do so, then they may be charged with insubordination.

WPEA's Master Agreements contain language that expands and reinforces the representation rights afforded by Weingarten. The Master Agreements state, “Upon request, employees will have the right to representation at all levels on any matter adversely affecting their conditions of employment.”

Contact your WPEA staff representative or chief shop steward if you have questions about your Weingarten Rights.

Washington Public Employees Association



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