A vital function of a local union is to prevent management from intimidating employees. Nowhere is this more important than in closed-door meetings when supervisors or guards, often trained in interrogation techniques, attempt to induce employees to confess to mistakes or wrongdoing.

The National Labor Relations Act (NLRA) gives union employees the right to assistance from union representatives during investigatory interviews. Although not explicit in the Act, the right was declared by the U.S. Supreme Court in 1975 in *NLRB v. J. Weingarten, Inc.* the rules the Court announced are known as Weingarten rights.

All union employees are encouraged to use their Weingarten rights.
The presence of a union representative can help in many ways:

- A union representative can serve as a witness to prevent supervisors from giving a false account of the conversation.
- The union representative can object to intimidating tactics or confusing questions.
- The union representative can, when appropriate, advise an employee against blindly denying everything, thereby giving the appearance of dishonesty and guilt.
- The union representative can help an employee to avoid making fatal admissions.
- The union representative can warn an employee against losing his or her temper.
- The union representative can raise extenuating factors.

What is an investigatory interview?
*Weingarten* rights apply during investigatory interviews. An investigatory interview occurs when:
1. Management questions an employee to obtain information.
2. The employee has a reasonable belief that discipline or other consequences may result from what he or she says.

Employee rights.
Under the Supreme Court’s Weingarten decision, when an investigatory interview occurs, these rules apply:
- The employee may request union representation before or during the interview.
- After the request, the employer must choose to either:
  1. Grant the request and delay questioning until the union representative arrives.
  2. Deny the request and end the interview immediately.
  3. Give the employee a choice of: (a) having the interview without representation, (Usually a mistake for the employee) or end the interview.

Having a union increases your rights as an employee.
Rights you would not normally have without one.