

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.*²¹² 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.

