



Factsheet

WORKERS' AND STEWARDS' RIGHTS UNDER WEINGARTEN

The Supreme Court has ruled (NLRB v. Weingarten) that an employee has the right to Union representation during any employer interview which may result in discipline.

If you are called into a disciplinary meeting, or a meeting you think might result in disciplinary action, you have the right to union representation. You may read your supervisor your Weingarten Rights:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative or steward be present at this meeting. If this discussion could lead to my being disciplined and you deny my request for representation, I choose not to answer any questions."

Guidelines

1. You must request that a Steward or Union representative be present. If you do not request a Steward, you waive your Weingarten rights.
2. You must have a reasonable belief that discipline will result from the meeting.
3. You have the right to know the subject of the meeting.
4. You have the right to consult your Steward or Union representative prior to the meeting.
5. You do not have the right to refuse to attend the meeting if your request for a representative is denied. But you can continue to repeat your request for representation to the manager conducting the interview, take notes, and refuse to answer questions.
6. You may choose your own representative, who may be a representative or fellow employee. Employers are required to honor that request, so long as that choice does not unduly interfere with the employer's ability to conduct its investigation.
7. Weingarten rights do not apply if the employer is simply informing you of some discipline which has already been decided. They only apply if you are being questioned.

RIGHTS OF STEWARDS UNDER WEINGARTEN

Employers sometimes claim that the only role of a steward at a Weingarten meeting is to observe the discussion. However, we believe the law gives stewards a much more active role in these meetings.

1. When you arrive at the meeting, ask the supervisor the subject matter of the interview. Ask the supervisor what type of misconduct is being discussed (documentation error, lateness, patient complaint, etc.) and what type of discipline is being considered. The supervisor must provide this information.

2. You have the right to meet with the member before the questioning begins.

Take the member aside for a private pre-interview conference. Let the member know that all questions must be answered truthfully. However, advise the member to keep their answers brief and not to offer any additional information.

Tell the member not to answer a question they do not fully understand until it is clarified. Let the member know that anything they say in that meeting can be held against them, and tell the person to keep cool.

3. If the member doesn't understand a question, ask the supervisor to clarify the question.

4. After a question is asked, you can give advice on how to answer. Ask to caucus, if necessary.

5. When the questioning ends, you can provide additional information to the supervisor. However, it is often better not to volunteer information. Remember, anything you say may be used against the worker, too.

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