
Weingarten Rights

A Supreme Court case in 1975 known as the “Weingarten Decision” found that employees have the right to union representation during meetings with management if the employee has a reasonable belief that management’s questioning will lead to discipline.

WHAT TO SAY

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my steward or union officer be present at the meeting. Without representation, I chose not to answer any questions.”

3 RULES OF WEINGARTEN

1. The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.
2. After the employee makes their request, the employer has 3 choices:
 - a. Grant request and delay questioning until steward is present
 - b. Deny request and end interview
 - c. Give employee a clear choice between having interview without representation or ending interview
3. If the employer denies the request for union representation and continues to ask questions, it has committed an unfair labor practice and the employee has the right to refuse to answer. The employer may not discipline the employee for refusal to answer.

ESTABLISHING REASONABLE BELIEF

- Before the meeting ask: “Could this meeting result in discipline?”
- During the meeting, stay alert and say: “This meeting sounds like it could result in discipline. I need a steward with me before continuing.”

WHEN DOES WEINGARTEN NOT APPLY:

Weingarten rights don’t apply in meetings that DO NOT normally result in discipline, such as:

- Meetings with management to convey instructions and training, or communicate corrections related to work processes
- When management has informed the employee prior to the meeting that no discipline can result from the meeting
- When the employer issues the actual discipline (e.g., giving a written warning or termination papers)



**For more CNG steward resources or for questions, contact
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