

Weingarten Rights

In 1975 the [United States Supreme Court](#) in the case of [NLRB v. J. Weingarten, Inc. 420 U.S. 251](#) (1975) upheld a [National Labor Relations Board](#) (NLRB) decision that employees have a right to union representation at investigatory interviews. These rights have become known as the **Weingarten Rights**.

During an investigatory interview, the Supreme Court ruled that the following rules apply:

Rule 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.

Rule 2: After the employee makes the request, the employer must choose from among three options:

- grant the request and delay questioning until the union representative arrives and (prior to the interview continuing) the representative has a chance to consult privately with the employee;
- deny the request and end the interview immediately; or
- give the employee a clear choice between having the interview without representation, or ending the interview.

Rule 3: If the employer denies the request for union representation, and continues to ask questions, it commits an [unfair labor practice](#) and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

It is a good practice to memorize the statement below, or keep it handy in case the need ever arises.

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I believe this discussion could lead to my being disciplined. I therefore request that my union representative or officer be present to assist me at the meeting. I further request reasonable time to consult with my union representative regarding the subject and the purpose of the meeting. Please consider this a continuing request; without representation I shall not participate in the discussion. I shall not consent to any searches or tests affecting my person, property, or effects without first consulting with my union representatives.