**Know Your Rights -Weingarten Rights Fact Sheet**

*Know Your Rights as a Union Member*

**What Are Weingarten Rights?**

Weingarten Rights are the rights of union-represented employees to request union representation during investigatory and mitigation interviews that could lead to disciplinary action.

These rights were established by the U.S. Supreme Court in NLRB v. J. Weingarten, Inc. (1975).

**When Do Weingarten Rights Apply?**

Weingarten Rights apply only when:

* You are represented by a union,
* You are being questioned by management,
* The interview is a investigatory, mitigation, or disciplinary (i.e., it could lead to discipline),
* You request union representation.

Important: These rights are not automatic. You must affirmatively request representation.

**What to Say:**

If you believe a meeting might lead to discipline, say:

*“Could this discussion in any way lead to my being disciplined or affect my personal working conditions, I respectfully request that my union representative be present. Until I have obtained union representation, I choose not to participate in this discussion.”*

**What Happens Next?**

Once you request a representation, your employer must:

1. Provide you with union representation form, and give you 4 hours to obtain representation
2. Offer you the choice to continue without representation (you can refuse).

Your employer cannot retaliate against you for asserting your Weingarten Rights.

**What Can the Union Representative Do?**

The union representative is there to:

* Advocate on your behalf,
* Clarify questions,
* Help you understand your rights,
* Advise you before and during the meeting,
* Witness the conversation to ensure fairness.

Weingarten Rights Do Not Apply When:

* The conversation is purely informational or routine and not disciplinary in nature,
* The employee is not represented by a union,
* You do not request a union representative.

**Your Rights Matter. Use Them.**

Never attend an investigatory, mitigation, or disciplinary, meeting alone. Assert your Weingarten Rights and contact your union rep immediately.