

THE SHOP STEWARD'S ROLE IN A WEINGARTEN MEETING

The rights of employees to have a union representative present when they “reasonably believe” that an investigatory interview is to take place are called “Weingarten” rights, named after a Supreme Court case. Investigatory interviews occur when a supervisor questions an employee to obtain information which could be used as a basis for discipline. A steward can help workers to assert these rights by:

- Helping an anxious and inarticulate employee explain an incident.
- Raising extenuating circumstances.
- Advising an employee against a blanket denial, and, as a result, avoiding an appearance of dishonesty and guilt.
- Preventing an employee from making “fatal admissions.”
- Helping an employee to refrain from losing their temper in a potentially stressful situation.
- Serving as a witness to prevent supervisors from giving a false account of the investigation proceedings.

Stewards do not simply have to be passive observers during an investigatory interview, they can take an active role in the proceedings by assisting and counseling an employee.

For example, the steward:

- Should expect to be briefed by the supervisor on the subject matter of the interview, before the meeting begins.
- Must be allowed to take the employee aside for a pre-interview conference.
- Has the right to speak during the interview; however, does not have the right to bargain over the purpose of the meeting.
- May ask for clarification of a question.
- May counsel the employee on how to answer a question.
- May provide supplementary information to the supervisor.
- May call for a caucus to speak with the employee in private, outside of the room.

If the “Weingarten” rights of an employee have been observed, stewards have no authority to advise an employee to withhold answers or to answer falsely, since the worker may be disciplined as a result of such action. Moreover, employers have no obligation to inform employees of their “Weingarten” rights – this is the union’s job.