

# Weingarten Rights and How to Use Them

## What is a Weingarten meeting anyway?

The term “Weingarten” or “Weingarten meeting” is often used in unionized worksites to describe an investigatory type meeting between an employee and management. Any examination of the employee by management, or by a representative of management, where questions of an investigatory nature are being asked is the basis for such a meeting and is an opportunity for you to invoke your Weingarten Rights.

Rarely, if ever, will management come out and inform you that you are in a Weingarten meeting or inform you of your right to request Union representation during the meeting. Employees will often get 24 hours’ notice or may get no notice at all and often times the purpose of the meeting will be purposely vague. There are three keys to establishing a Weingarten meeting is happening:

1. Either management or a representative of management is asking you questions,
2. The type of questions or the topic of the meeting leads you to believe the meeting may lead to your being disciplined,
3. You request Union representation for the meeting. Please note, this request may occur before or during the meeting. Once you make this request (assuming the above two criteria are met) you’ve official invoked your Weingarten right.

## OK, so I have invoked my rights – now what?

If you are dealing with a decent and honorable management official(s) or representative(s) of management, they will delay the meeting and allow you to coordinate for a union representative to attend the meeting and represent your interest.

If they are not so decent or honorable and continue to ask you questions, stop talking and tell your manager the following: “I believe this discussion may result in discipline and I want a union representative present at this meeting. I am declining to answer your questions until my union representative arrives.”

If they give you a direct order to answer or threaten you with discipline should you not cooperate, answer their questions and then immediately notify the union of this violation.

## What if I choose to waive my rights?

Unfortunately, management can suggest you waive your right to representation even though you just invoked your rights. Don’t fall for this trick, it is ill advised to waive your right to representation and Local 4012 strongly encourages you to not answer any questions until your union representative is present. If you choose to waive your rights to representation and are subsequently issued discipline contact us right away at **[representation@afgelocal4012.org](mailto:representation@afgelocal4012.org)**. These issues are time sensitive and the sooner you reach out to us the sooner we can begin representing you.