

THE STEWARD'S ROLE IN A WEINGARTEN MEETING

The rights of employee to have union representatives present when they “reasonably believe” that an investigatory interview is to take place – i.e., “Weingarten” rights – should be encouraged by stewards. So-called investigatory interviews occur when a supervisor questions an employee to obtain information which could be used as a basis for discipline or when employees are asked to defend their conduct. 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 employees 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 interrogation 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:

- Upon arrival, should be briefed by the supervisor on the subject matter of the interview.
- 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 the clarification of a question.
- May counsel the employee on how to answer a question.
- May provide supplementary information to the supervisor.

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.

From: The Legal Rights of Union Stewards.