

WEINGARTEN RIGHTS STEWARD REPRESENTATION

The Weingarten Rights were established by the U.S. Supreme Court in 1975 to help protect employees against intimidation and prevent coerced confessions. The Weingarten rules gives employees the right to request union representation during investigative interviews. This means that the employee has the right to request a steward to be present during any interview when he feels that discipline could be imposed based on what is said during the interview.

Weingarten does not apply for employees to have stewards present at discussions as provided for in Article 16.1 of our National Agreement (sometimes referred to as official discussions) and for meetings in which supervisors give instructions on operating methods or safety practices. In addition, no steward representation is required at meetings when a manager gives an employee a letter of discipline and there is no questioning or discussion at that time.

During an investigative interview the employee must make a request to have a steward present. Management is not required to inform the employee of his/her Weingarten rights, it is the employees responsibility to know.

When the employee makes the request for a steward to be present, management has three options: (1) it can stop questioning until the steward arrives, (2) it can call off the interview, or (3) it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to a steward (an options the employee should always refuse).

The Supreme Court has also ruled that during an investigatory interview management must inform the steward of the subject of the interrogation. The steward must also be allowed to speak privately with the employee before the interview. During the questioning the steward can interrupt to clarify a question or to object to confusing or intimidating tactics. While the interview is in progress the steward can not tell the employee what to say but he may advise them on how to answer a questions. At the end of the interview the steward can add information to support the employee's case.

Stewards must be aware that at times, postal inspectors and/or managers will assert that stewards must remain silent during the interview. This is not the case. In additions to the Supreme Court, the National Labor Relations Board as well as recent court decisions have also ruled steward do have the right to participate as I have explained.