

Know your rights!

In 1975, the Supreme Court upheld a decision by the National Labor Relations Board that employees have the right to union representation at interviews that could lead to the employee being disciplined or fired. The following is a quick guide to these rules, known as Weingarten Rights. Cut out the statement in the bottom right corner and keep it in your wallet in case of conflict with management.

Weingarten Rules

1. The employee must make a clear request for representation before or during the interview. The employee cannot be punished for making this request.
2. After the employee makes the request, the employer must choose among three options:
 - Grant the request and delay questioning until Union representative arrives and has a chance to consult privately with the employee
 - Deny the request and end the interview immediately
 - Let the employer choose between having the interview without representation or ending the interview
3. If the employer denies the request for Union representation and continues to ask questions, they commit an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for refusal.

Seven Points of Just Cause for Discipline

If the answer to any of these questions is no, management does not have just cause for discipline.

1. Forewarning: Did management give you forewarning of possible disciplinary consequences of your conduct?
2. Reasonable rule: Was their rule or order reasonably related to the orderly, efficient, and safe operation of the business and the performance they might reasonably expect?
3. Discovery: Did management make an effort to discover whether you violated a rule before disciplining you?
4. Fair investigation: Was management's investigation conducted fairly and objectively?
5. Evidence of guilt: At the investigation, did management have substantial evidence that the you were guilty as charged?
6. Evenhanded application: Has management applied its rules, orders, and penalties evenly and without discrimination to all workers?
7. Fair punishment: Was the degree of discipline administered by management reasonably related to the seriousness of the offense and the record of your service to the employer?

Weingarten Statement

Assert your right to representation.

“I request to have a Union representative present on my behalf during this meeting because I believe it may lead to disciplinary action being taken against me. If I am denied my right to have a Union representative present, I will refuse to answer accusatory questions and any I believe may lead to discipline.”

For more information, call the Member Resource Center at 866-933-SEIU.



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