

Registered Nurses: Use Your Weingarten Rights NOW

You and your fellow nurses have a set of very important legal rights in the workplace called Weingarten Rights. These rights help you protect your nursing license and your employment.

The U.S. Supreme Court has ruled that an employee is entitled to have a union representative present during any interview that may result in discipline. If you are called into a meeting with your charge nurse, supervisor, and/or manager, **YOU HAVE THE RIGHT TO DO THE FOLLOWING:**

- Ask what the subject of the meeting is and whether the meeting is regarding something that could lead to your being disciplined.
- Request a union representative be called into the meeting if management says the meeting could lead to discipline or termination or affect your personal working conditions OR if you have a reasonable belief that this is the case.

We recommend you make a statement such as:

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my union representative be present at the meeting. Without representation, I choose not to answer any questions. This is my right under the ‘Weingarten’ Supreme Court decision.”

- Do NOT refuse to attend the meeting if you are denied your right to have a union

representative present. We suggest you go through with the meeting while repeatedly asserting your right to a union representative. If an official union representative is not available, ask for a coworker to serve as a witness and record what is said.

- If your manager insists on continuing the conversation, take notes and do not answer questions. When the meeting ends and you believe that you have been treated unfairly, immediately make arrangements to meet with your Grievance Representative or with your staff council leadership.

Remember two things:

You have a **guaranteed right** to organize and a **guaranteed right**, at all levels, to participate equally in decisionmaking that affects your job and your ability to provide safe, highquality patient care.

It is **illegal** for a supervisor/manager to harass, interrogate or intimidate you during that process.

More about Weingarten Rights

My supervisor wants to see me in her office. I'm not sure if I did anything wrong. Should I go to the meeting alone?

The plain answer to this question is, "No." A member should not go into a meeting with any member of management without a witness or a union representative to accompany him/her. Why? Because a member has a right to union representation in investigatory meetings where management is attempting to get information from the member if the member reasonably believes the interview or meeting could lead to discipline or termination. Referred to as "Weingarten Rights," this legal right was named after a famous U.S. Supreme Court case from 1975.

Weingarten rights can only be exercised if the member makes a request for the representation.

Management does not have the obligation to inform you of your Weingarten rights or to offer you the representation. The request can be made at any time during the meeting if the member believes that discipline or termination could result.

However, once the request is made, management has an obligation to either:

- 1) Call a grievance/union representative and stop the meeting or interview until representation arrives or
- 2) end the meeting or
- 3) give the member the choice of ending the meeting or interview or continuing forward without the representation.

Weingarten rights will not apply, however, if management assures you in writing that the meeting will not result in disciplinary action.

A good course of action to take every time is to first ask management about the nature of the meeting or interview. If management refuses to answer, assert your rights by informing management you need time to find a union representative. MNA suggests that regardless of management's stated reasons for the meeting, MNA members should assert their Weingarten rights. If the manager states that you don't need a union representative, ask them to put it in writing and/or sign the attached document which assures you that nothing discussed at the meeting will be used against you for purposes of corrective action.

If management denies you the right to representation, it is a violation of your Weingarten rights, and it constitutes an unfair labor practice. A remedy of reinstatement/removal of the discipline and back pay can be awarded if the facts leading to the discharge/discipline were elicited at the interview where representation was denied.