



ILWU Local 142

EDUCATION POSTER

Your Rights in an Investigatory Interview

Under the Supreme Court's Weingarten decision, when an investigatory interview occurs, the following rules apply:

- Rule 1.** The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.
- Rule 2.** After the employee makes the request, the employer must choose from among three options. The employer must either:
- a. Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee; or
 - b. Deny the request and end the interview immediately; or
 - c. Give the employee a choice of: (1) having the interview without representation or (2) ending the interview.
- Rule 3.** If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

Employees have Weingarten rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.

If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has a right to request union representation.