

WORKER DIGNITY AND WEINGARTEN RIGHTS

Dignity is defined as the ability to establish a sense of self-worth and self-respect, and to appreciate the respect of others. At work this means that you contribute by your deeds, input, presence, and productivity.

Unfortunately, far too many supervisors use intimidation, reprisal, and shame to keep employees timid, passive, misinformed, and plain scared. These particular supervisors invite confusion, disorder, and thrive on chaos in the workplace as a disguise for their mismanagement, incompetence, and employee abuse. Remember mismanagement and abuses are the chief obstacles to worker dignity.

Fortunately, for us we have tools and laws that protect and promote dignity in the face of abuse and mismanagement. Our Union is the prime combatant against, reprisal, abuse and mismanagement. Our Union is the voice and force that faces down injustice, prejudice, and employee rights violations within the workplace. One of the primary tools that you all should know about, understand, and use is your Weingarten Rights!

Just a little history, the Weingarten Right was established by the National Labor Relations Board and upheld by the United States Supreme Court in 1975. Basically, the Weingarten Right gives employees the right to request Union representation during investigatory interviews.

So, what does this mean? An investigatory interview occurs when:

1. Management questions an employee to obtain information and
2. The employee has a *reasonable belief* that discipline or other adverse consequence may result from what he or she says.

Investigatory interviews relate to such subjects as:

- a. absenteeism
- b. accidents
- c. compliance with work rules
- d. damage to company property
- e. drinking
- f. drugs
- g. falsification of records
- h. lateness, poor attitude
- i. poor work performance
- j. sabotage
- k. slowdowns
- l. theft
- m. violation of safety rules

Not every discussion with management is an investigatory interview. For example, a supervisor may speak to an employee about the proper way to do a job. Even if the supervisor asks the employee questions, this is not an investigatory interview as the use or possibility of discipline is remote.

However a routine conversation changes character if a supervisor becomes dissatisfied with an employee's answers and takes a hostile attitude. If this happens, the meeting becomes investigatory and Weingarten applies.

When a supervisor calls an employee to the office to announce a warning or other discipline that has already been decided it is not an investigatory meeting. Their minds have been made up, and this is a meeting to administer discipline. This type of meeting is covered in the negotiated agreement between AFSCME Local 449 and the City, PCC, Bisbee, TUSD, and El Rio.

Remember that in either case you have the right to Union representation.

Back to Weingarten, Management has no obligation to tell you about your rights under Weingarten. You have to ask for the representation if you have reasonable belief that discipline or other adverse consequences may result from what you say at an investigatory meeting.

Finally, if called to a meeting with management, read the following statement to management BEFORE the meeting starts!!

IF THIS DISCUSSION COULD IN ANY WAY LEAD TO MY BEING DISCIPLINED OR AFFECT MY WORKING CONDITIONS, I RESPECTFULLY REQUEST THAT MY UNION REPRESENTATIVE, OFFICER, OR STEWARD BE PRESENT AT THIS MEETING. WITHOUT REPRESENTATION PRESENT THEN I CHOOSE NOT TO PARTICIPATE IN THIS DISCUSSION."