



THEATRICAL STAGE EMPLOYEES, LOCAL NO. 4
OF THE
INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES,
MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE
UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC
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Affiliated with the
A.F.L. - C.I.O.
Theatrical Federation
Of Greater New York
New York State Federation
Of Labor
United Hebrew Trades
Union Label & Service
Trades Dept.
Central Trades And Labor
Council

Weingarten Rights

Under Weingarten, **in order for the worker to have the legal right to representation during a meeting** with management, the following conditions must be met:

1) **Is it an investigatory interview?**

If the employee is expected to answer questions concerning wrongdoing that might lead to his dismissal or discipline he is eligible for union representation. Discussions pertaining to job performance do not automatically include the right to representation. The right entails only in situations where it could lead to discipline.

2) **Does the employee believe that the discussion may lead to discipline?**

Whether the belief is reasonable or not, it is a judgement call based on the circumstances. If the employer merely wants to convey info to a worker then representation is not necessary. However, the burden falls on the worker to decide motive.

Unlike the police MIRANDA RIGHTS, where your right to silence is given prior to speaking, **employers have no legal obligation to advise a worker of their right to representation.** It is up to the individual employees to know their rights. So, a good rule is to stay cool, quiet and respectful, if urged by employer to discuss the matter.

Call for your Rep and present the following Declaration:

‘WEINGARTEN DECLARATION’ (aka Weingarten Rights)

For workers’ own protection, workers should be instructed to read or hand this statement to management before the start of any meeting that could lead to discipline:

“IF THE DISCUSSION I AM BEING ASKED TO ENTER INTO COULD IN ANYWAY LEAD TO MY DISCIPLINE OR TERMINATION, OR AFFECT MY PERSONAL WORKING CONDITION, I ASK THAT A UNION STEWARD, REPRESENTATIVE, OR OFFICER BE PRESENT. UNLESS I HAVE THIS UNION REPRESENTATION I RESPECTFULLY CHOOSE NOT TO PARTICIPATE IN THIS DISCUSSION”.

Wallet cards are available at the office