

# Counter Offer Procedures

## Section 1 - Purpose / Objectives

(1) A counter offer is a retention strategy that may be employed by the University to retain key talent in areas of critical strategic importance. A counter offer would normally include more favourable terms and conditions of employment than the employee's current employment arrangements.

## Section 2 - Scope / Application

(2) Manager(s) responsible for implementation, compliance and review:

- a. Vice President, People & Culture.

## Section 3 - Definitions

(3) "Counter offer" is an offer made to an employee during negotiations for a final contract. Making a counter offer automatically terminates any prior offer, and requires an acceptance under the terms of the counter offer or there is no contract.

(4) "Continuing Employment" means employment with no fixed end date. Where there is continuing funding and a need for the position into the foreseeable future, the position should be advertised as a continuing position.

(5) "Continuing Contingent Funding" is limited term funding provided from external sources, but not funding that is part of an operating grant from government or funding comprised of payments of fees made by or on behalf of students.

(6) "Delegated Officer" is an incumbent officer who holds a delegated authority within the People and Culture Delegations Policy.

(7) "Equitable" open to all without systemic, hidden or apparent bias on the grounds of any attribute prohibited by State and Commonwealth Anti-Discrimination Legislation.

(8) "Fixed Term Employment" means employment with a specified start date to a specified expiry date. At the end of the fixed-term period, employment with the University ceases.

(9) "Formal Recruitment and Selection Process" is a process which includes internal and/or external advertising, and selection activities.

(10) "Organisational Unit" represents a unit (Department/ School/Work Group) within a Faculty or business area.

(11) "University" is Victoria University

# Section 4 - Policy Statement

(12) Nil

## Section 5 - Procedures

### Principles

#### Incidence of Use

(13) The making of a Counter Offer is a retention strategy intended to be used in exceptional and limited circumstances as outlined in these Procedures.

#### Confidentiality and Privacy

(14) All staff involved in the making of a counter offer must uphold the principles of confidentiality and privacy (refer to the University's Staff Code of Conduct and Privacy Policy for further information).

#### Equity and Diversity

(15) The University is committed to equality of opportunity in employment in accordance with relevant legislation, the University's [Equity and Diversity Policy](#) and Equity and Diversity Strategy.

(16) The University will take proactive steps to address inequities in its workforce profile including through the counter offer process. Decisions taken regarding counter offers will be based on merit and will not be influenced by irrelevant and unlawful attributes as proscribed by legislation. Barriers to the inclusion and advancement of equity target groups in accordance with the relevant Equity and Diversity Strategy for Staff should be considered.

#### Current Equity Target Groups

(17) Current equity target groups include Indigenous Australians, Women, Cultural and Linguistic Diversity and Staff with Disabilities.

### Procedures

#### Eligibility

(18) A counter offer may be made to an employee with a current fixed-term, continuing contingent funded or continuing appointment with the University in exceptional circumstances where the employee can produce evidence of a genuine offer of employment external to the University.

(19) The Delegated Officer may authorise a counter offer where;

- a. it is considered that the employee's work in their position is critical to the achievement of the strategic objectives of the University; and
- b. the employee is generally exceeding the expectations for their position in relation to their Position Description and Staff Performance and Development Plan objectives; and normally;
- c. the employee possesses rare, unique or highly specialised skills, knowledge or expertise; or
- d. the employee is from an identifiable equity target group or otherwise critical to the achievement of the University's equity and diversity commitments.

(20) Authorisation is subject to;

- a. the making of the counter offer will not cause the University to breach any relevant legislation or Policy (such as the Relocation and Immigration Assistance for New Staff Policy); and
- b. funding is approved.

(21) Documented evidence is required to substantiate eligibility, see clauses 26 to 31.

### **Position Descriptions and Counter Offers**

(22) The provision of a counter offer does not alter the underlying Position Description or evaluated level of a position but rather the conditions of the current incumbent. Future incumbents of the position would not therefore be automatically entitled to the same conditions.

### **Content of Counter offers**

(23) Counter offers must not include any terms or conditions of employment that are not provided for under the University's Policies and Procedures or the relevant employment agreement.

(24) Counter offers may include, but are not limited to, such items as:

- a. Remuneration (classification level or increment, market loading, performance bonus);
- b. Benefits (study assistance, research assistance, vehicle allowance, etc.); and
- c. Conditions (flexible work arrangements, 48/52 arrangement, etc.).

### **Timing of Counter Offer**

(25) A counter offer would normally be made before the staff member has formally accepted another role outside the University hence the need to act quickly.

### **Recommendation and Approval of Counter Offer and Documentation of Evidence Required**

#### **Recommendation and Approval of Counter Offer**

(26) The making of a counter offer should be recommended via memo outlining the case for making a counter offer and including documentation at clause 3.2.6.2. accompanied by a completed [Recommendation to Appoint \(HR47\) form](#).

(27) Where a counter offer relates to general staff (HEW), TAFE or Industrial Skills Instructor the Delegated Officers outlined in the People and Culture Delegations Policy may sign-off and approve the Counter Offer.

(28) Where the counter offer relates to a continuing or fixed-term offer in relation to an academic position the Vice-Chancellor or nominee should approve the recommendation made.

(29) Refer to the People and Culture Delegations Policy for further information regarding recommendation and approval of Counter Offers.

#### **Documentation of Evidence Required**

(30) Documented evidence must also be attached including:

- a. documented evidence of the employee's external offer of employment;
- b. documented evidence of benchmarked remuneration or other terms and conditions of employment for comparable positions in the employment market and sector;
- c. documented evidence for Academic staff against the Minimum Standards for Academic Levels or VU Standards for Academic Levels (as appropriate, may take the form the application for external employment or an

academic portfolio or application for promotion, as examples);

- d. a copy of the employee's current curriculum vitae;
- e. a copy of the staff member's current Position Description;
- f. a copy of the staff member's current SPDP recording rating and/or progress as compared to objectives; and
- g. how any costs associated with the counter offer are to be funded.

(31) Advice can be obtained from People and Culture regarding benchmarked remuneration for a range of senior positions.

### **Making of Counter Offer**

(32) A counter offer will be made through the provision of a formal offer of employment and acceptance facilitated through the provision of a Letter of Offer, issued in accordance with the People and Culture Delegations Policy.

### **Complaints about the process**

(33) Complaints about the process can be made to the General Manager, HR Partnerships (or delegate).

### **Effectiveness of Procedures**

(34) The effectiveness of these procedures will be measured by:

- a. Number of counter offers made versus retention rates of those staff; and
- b. Counter offers made versus retention rates of those staff to identifiable members of equity target groups or on the basis of equity and diversity commitments.

## **Section 6 - Guidelines**

(35) Nil

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	11th September 2014
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