# Agency Employee Rewards Policy Checklist

**About this checklist:**

This checklist is a guide to assist WA Government agencies developing policies and procedures for the reward of innovative employees who contribute to the creation of new IP assets.

## How will the rewards process be initiated?

The policy outlines:

How the rewards process is initiated and by whom?

For example: recommendation of the head of the business unit to the CEO, nomination by the employee’s line manager to a senior officer.

When an employee reward will be considered?

For example: during the development of the commercialisation proposal, once commercialisation has been completed and the agency has received revenue.

#### Who is eligible for reward consideration?

The policy set outs the circumstances where an employee may be eligible to receive a:

Non-monetary reward.

Monetary reward (see note below)

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| The agency’s policy for monetary rewards must be consistent with the eligibility requirements under the WA Government IP Policy which include:   1. The employee is engaged on a permanent or fixed-term basis;; 2. The employee has made a direct and significant contribution to the creation of original IP rights (and not simply modifications, adaptions and improvements of existing IP rights); 3. There has been outstanding and extraordinary achievement by the employee far exceeding that generally expected from a person with the same or similar duties; 4. The creation of significant, inventive (not simply innovative) and valuable State owned IP by the employee; 5. Extraordinary outcomes; and 6. The successful commercialisation of the State owned IP rights resulting in exceptional net revenue for the State. |

## What are the rewards available?

The policy sets out:

Non-monetary reward options available for consideration.

Monetary reward options available under [WA Government IP Policy](https://www.wa.gov.au/government/publications/western-australian-government-intellectual-property-policy-2023): Section 8.

## How is the reward package developed?

The policy:

Identifies who is responsible for developing the rewards package.

For consideration: Will the agency include a rewards panel in the process?

Includes guidance for the assessment of potential reward and development of the package.

For example: factors considered when determining appropriate type of reward, requirement to consult with the employee, options for seeking independent advice.

If the policy provides options for the establishment of a rewards panel, include guidance regarding:

The role and membership of the panel.

The circumstances where matters will be referred to the panel for consideration.

For example: to consider a particular type of reward or where a proposed package exceeds a specified value.

**Recommended inclusion:**

The policy requires the employee to seek their own independent legal and financial advice.

## How is the proposed reward package approved?

The policy sets out the process for agency approval of the rewards package including:

The nominated approver of the package.

For consideration: the agency may wish adopt a tiered approach where the approving officer may vary depending on the nature or value of the proposed rewards package.

Any documents to be prepared.

For example: business case or report, contractual agreements or deeds.

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| The decision to provide a monetary reward to a WA public sector employee is discretionary and may only be made by the Treasurer or the relevant delegated Minister.  Agencies should refer to *Treasurer’s Instruction 319 – Act of Grace payments* for information about the approval process. |

## Record keeping and reporting requirements

The policy:

Provides for the establishment of a rewards register.

Outlines the information to be included in the register.

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| At a minimum it is suggested that the register include the following information:   * Details of the reward recipient including their name, position title, level and salary. * A description of the relevant IP asset. * Details of the reward package including the nature of reward (lump sum payment, share of revenue etc.) and the monetary value. * Details of any terms and conditions for the payment reward, for example paid only while employed by the agency or public service, schedule for period payments. |

## How will disputes be managed?

It is recommended that the agency include a process for managing any grievances or disputes that may arise regarding:

* the decision to nominate or reward a particular employee or group of employees;
* the terms of any proposed rewards package;
* decisions not to reward employees nominated for consideration or to offer a non-monetary reward only.

Matters addressed in the policy may include:

How a dispute resolution process will be initiated.

Who is responsible for resolving disputes and any nominated decision makers.

The matters that will and will not be considered.

The procedure for dealing with any dispute.

For example: informal or formal meeting with parties, mediation with independent party.

Any options to appeal a decision.

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| Remember to take into consideration the agency’s existing grievance and HR dispute resolution policies and procedures. Refer to Public Sector Commission Standards. |