

An appeal

- by -

Tradex Foods Inc.  
("Transformation")

- of a Determination issued by -

The Director of Employment Standards  
(the "Director")

pursuant to Section 112 of the  
*Employment Standards Act* R.S.B.C. 1996, C.113

**ADJUDICATOR:** John M. Orr

**FILE No.:** 2001/776

**DATE OF HEARING:** April 8, 2002

**DATE OF DECISION:** April 12, 2002

## DECISION

### APPEARANCES:

|                 |                                |
|-----------------|--------------------------------|
| Robert Reiersen | on behalf of Tradex Foods Inc. |
| Nadine Hawkins  | on her own behalf              |

### OVERVIEW

This is an appeal by Tradex Foods Inc. (“Tradex”) pursuant to Section 112 of the *Employment Standards Act* (the “*Act*”) from a Determination dated October 16, 2001 by the Director of Employment Standards (the “Director”).

The Director determined that Tradex owed wages including vacation pay and bonus monies to Nadine Hawkins (“Hawkins”) a former employee. Tradex appealed on the grounds that there was no bonus payable, that the bonus should not be considered wages and that Hawkins owed a debt to the company that should be set-off against any wages owing.

### HEARING

At the hearing the Robert Reiersen, the president of Tradex, explained that much of the problem was caused because of the interaction of two corporate boards involved and agreed to withdraw the company’s appeal. Some discussion followed about the exact amount owed to Ms. Hawkins. The parties agreed that the principal amount was \$4,555.19 plus interest in accordance with section 88 of the *Act*. Accordingly the Determination will be varied to confirm an amount owing to Hawkins from Tradex of \$4,555.19 plus interest.

### ORDER

I order, under section 115 of the *Act*, that the Determination is varied to find that Nadine Hawkins is entitled to the sum of \$4,555.19 together with interest in accordance with section 88 of the *Act*.

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**John M. Orr**  
**Adjudicator**  
**Employment Standards Tribunal**