

EMPLOYMENT STANDARDS TRIBUNAL

An Application for Reconsideration

- by -

R.S. Gem Connection Ltd.
(the “Employer”)

- of a Decision issued by -

The Employment Standards Tribunal
(the “Tribunal”)

pursuant to section 116 of the
Employment Standards Act R.S.B.C. 1996, C.113 (as amended)

PANEL: Jacque de Aguayo
Robert E. Groves
Shafik Bhalloo

FILE No.: 2020/023

DATE OF DECISION: July 2, 2021

DECISION

SUBMISSIONS

| | |
|-------------------|--|
| Jay Spiro | counsel for R.S. Gem Connection Ltd. |
| Steve Hamilton | on behalf of Larysa Hamilton |
| Carrie H. Manarin | delegate of the Director of Employment Standards |

ORDER

1. On April 26, 2021, this reconsideration panel issued its decision in *R.S. Gem Connection Ltd., 2021 BCEST 36* (the “Reconsideration Decision”). For the reasons set out, the Reconsideration Decision ordered that a Determination, dated August 15, 2019, be varied to award Larysa Hamilton (the “Employee”) compensation for lost wages, minus actual earnings, starting the day after the Employee was dismissed from her employment with R.S. Gem Connection Ltd. (the “Employer”) and ending on the last day before the Employee commenced employment with another employer on July 30, 2018. The calculation of the compensation owing to the Employee was referred back to the Director of Employment Standards.
2. On May 20, 2021, the Delegate of the Director of Employment Standards issued a Refer Back Report identifying an issue with respect to the calculation of the amount of compensation owing to the Employee. The Tribunal sought the parties’ positions and there is now no longer a dispute as to the amount of compensation owing to the Employee.
3. Accordingly, we hereby order that compensation is owing to the Employee as follows:
 - a. The Employer owes the Employee \$19,291.97; and
 - b. This amount is in addition to a payment of \$3,087.09 made by the Employer to the Employment Standards Branch on August 14, 2018.

Jacquie de Aguayo
Chair
Employment Standards Tribunal

Robert E. Groves
Member
Employment Standards Tribunal

Shafik Bhalloo
Member
Employment Standards Tribunal