

THE BUSINESS PERSPECTIVE ON HOW TO SET ONTARIO'S MINIMUM WAGE

PREDICTABLE
TRANSPARENT
FAIR

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Predictable, Transparent, and Fair: The Business Perspective on How to Set Ontario's Minimum Wage

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ABOUT

The Ontario Chamber of Commerce (OCC) is an independent, non-partisan business network. Our mission is to support economic growth in Ontario by advocating for pro-business policies and defending business priorities at Queen's Park.

For more than a century, the OCC has been providing our members with practical supports, advantageous network opportunities, and access to innovative insight and analysis.

We represent local chambers of commerce and boards of trade from communities across Ontario. Through this network, we are the voice of 60,000 members that range from small businesses to major corporations and industry associations. Together, our members employ two million people and produce nearly 17 percent of Ontario's GDP.

The OCC is Ontario's business advocate.



A MESSAGE FROM THE PRESIDENT & CEO OF THE OCC

Ontario is in a period of economic transition. The Ontario Chamber of Commerce (OCC) and its 60,000 members firmly believe that the policy choices made today will impact our province's competitiveness for generations to come.

The Government of Ontario is currently consulting on how to set the minimum wage. This issue is important. There is broad consensus that the current process—or lack thereof—governing the minimum wage does not work for employers and workers.

We have consulted widely with our membership through surveys, focus groups, and one-on-one interviews. Our consultations have revealed that OCC members want a process for setting the minimum wage that is based on four principles:

- **Predictability:** Employers want a process that provides predictability so that they can plan, grow, and invest with confidence.
- **Transparency:** Employers need a process that is open and de-politicized.
- **Fairness:** Employers also want a process that considers the impact on both employers and workers.
- **Promotes Ontario's competitiveness:** Employers are job-creators. Decisions around minimum wage should not discourage investment, job creation, and economic growth.

As such, we recommend that the minimum wage be pegged to the Consumer Price Index (inflation). Of the options considered, this approach is most consistent with all four principles outlined above.

We also urge members of the panel to consider the impacts that significant and one-off hikes in the minimum wage have on businesses and employment. For many employers—particularly those in the retail, hospitality, and leisure sectors—a decision to 'make up for lost time' would exacerbate the challenges they face and hinder Ontario's economic recovery.

We are pleased to submit our views on this matter. We look forward to participating in the continued discussion.



Allan O'Dette
President & CEO
Ontario Chamber of Commerce

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RECOMMENDATIONS

Our consensus recommendation (high potential)

1. Once every two years, on July 1, the minimum wage should be adjusted based on the cumulative change to the previous two calendar year's *All Items CPI* for Ontario.

An expedient second best (medium potential)

2. The government should appoint a Minimum Wage Advisory Board that consists of an equal number of employer and employee representatives, plus a neutral Chair. The Minimum Wage Advisory Board would make recommendations to government on the minimum wage rate.

Irrespective of which options are selected, the Ontario business community feels strongly that government should not 'bump' the minimum wage as a method of 'making up for lost time'.

THE OPTIONS

The OCC completed an extensive jurisdictional scan of the various processes that other provinces and countries have employed to determine their minimum wage rates. We surveyed Canadian provinces and territories as well as many international jurisdictions including Australia, European Union states, Mexico, New Zealand, the United States, and the United Kingdom.

Our research identified the four methods most commonly used to determine the minimum wage:

1. The minimum wage is determined by the government on an ad-hoc basis (the status quo)
2. The minimum wage is determined by an independent body of experts
3. The minimum wage is determined by the government on the advice of an independent body of experts
4. The minimum wage is tied to an economic indicator, such as the Consumer Price Index

Through our consultation process, businesses and organizations identified and debated the pros and cons of each option. Consulted members were asked to assess each option based on its potential: high, medium, low, or non-starter.

It is worth noting that our consultations were characterized by an exceptionally high level of consensus on the merits and shortcomings of each process option.

Option one: Maintain the status quo, the minimum wage is determined by the government on an ad-hoc basis

What is it?

Government sets the minimum wage based on factors of their choosing. Changes to the minimum rate can occur at any time, and sometimes with very little notice. Long-term freezes to the minimum wage rate are common under this model.

Who uses it?

This process is currently in place in Ontario, British Columbia, the Northwest Territories, Nunavut, and Quebec. In some jurisdictions, such as New Zealand, the government is mandated to review the minimum wage every year but is not bound to make any changes to the rate.

Pros	Cons
This option gives the government the ability to increase or decrease minimum wage to best fit current economic and social conditions.	The minimum wage in Ontario has been characterized by long freezes followed by sharp increases as governments ‘play catch up’. Sharp increases, especially when implemented over a short period of time, force many businesses to lay off workers.
For governments, it is the most flexible of all options, as there is no set process that binds it to a particular course of action.	Changes can occur suddenly, making it harder for businesses to react to and plan for increases, thereby hurting business competitiveness.
It is arguably the most democratic of all the process options considered, as the decisions are made by elected officials.	Over the last 10 years, ad-hoc changes to the minimum wage have been frequent and in retrospect appear to be unprincipled, with little indication of the criteria that government used to determine changes to the rate.
	The process is highly politicized and decisions related to the minimum wage often reflect the political leanings of the government of the day.
	Jurisdictions that use this process can experience increases that significantly outpace inflation. For example, between 2011 and 2012 the minimum wage in British Columbia increased by 30 percent (from \$8.00 to \$10.25).

“The way minimum wage is being set today does not work. It’s unpredictable – businesses cannot plan for increases. It is those unplanned changes that impact us the most.”

Bruce Fraser,
Nestlé Waters Canada

THE VERDICT: *Non-starter*

The process is unpredictable, opaque, overly-politicized, and often leads to unprincipled increases and freezes to the minimum wage. Businesses were unanimous in rejecting this option.

Option two: The minimum wage is determined by an independent body of experts

What is it?

An independent body, typically made up of both employers and employees, determines changes to the minimum wage. Typically, these bodies are mandated to base their decisions on numerous social and economic factors. The independent body, not the government, has the final say on rate changes to the minimum wage.

Who uses it?

This process is used by Australia and Mexico. In Australia, the Fair Work Commission's Expert Panel for Annual Wage Reviews conducts an annual wage review and issues a decision. The Expert Panel is made up of the President of the Fair Wage Commission, three full-time Commission employees, and three appointed part-time members. Part-time members are appointed for a period of no more than five years. They have knowledge or experience in one or more of the fields of workplace relations, economics, social policy, or business, industry or commerce. The Panel takes into account economic and social considerations when making their decisions.

In Mexico, the National Minimum Wage Committee determines the minimum wage. The Commission is made up of government, employer, and employee representatives. The Commission considers various criteria when setting the minimum wage, including the needs of workers and their families, the cost of living, the level of wages and income in Mexico, economic development, the level of employment, and the inflation rate.

"I can't imagine a scenario where the government would actually allow a third party to make the final decision on an issue as contentious as the minimum wage. This option just doesn't seem feasible."

Gerry Macartney, London Chamber of Commerce

Pros	Cons
The final decision is made by an impartial group of experts, and is typically free of political interference.	The judgment and personalities within the independent body are crucial to ensuring that business' input is taken into account (unlike option 3, there would be no check and balance with government).
The independent bodies are typically mandated with taking into account a number of factors when making changes to the minimum wage, including social and economic factors, cost of living increases, and current economic conditions.	There is an element of unpredictability in this option as it is unclear how frequently the body would be making changes to the minimum wage, who would be part of the body, would workers be subject to long freezes, etc.
The process is reasonably transparent; it allows for input from employees, employers, experts, and members of the public.	There is concern that the government is giving authority on a major public policy issue to a group of individuals who are not accountable to the public.

THE VERDICT: *Low Potential*

Consulted members worried that the government would override the body's decisions, thereby creating conflict between government and the body and potentially politicizing the process. The governance structure of the body is crucial to ensuring that business and economic interests are taken into account. Examples of this model are rare internationally and non-existent in Canada.

Option three: The minimum wage is determined by the government on the advice of an independent body of experts

What is it?

An independent body of experts, typically made up of both employers and employees, provides recommendations to the government on changes to the minimum wage. Occasionally, the body is mandated to examine numerous economic indicators that inform their recommendations. Government ultimately decides whether or not to adopt the independent body's recommendations.

Who uses it?

Manitoba, New Brunswick, Newfoundland, Prince Edward Island, and Saskatchewan have established Minimum Wage Boards that make recommendations to government on changes to the minimum wage rate. The United Kingdom has a Low Pay Commission (LPC), an independent body that advises government on the national minimum wage. The LPC makes recommendations to the government based on research, analysis, consultation, and evidence collected from stakeholders, and is composed of nine members from employer, employee, and academic backgrounds. Panel members serve in an individual capacity and not as representatives of their organizations.

Pros	Cons
The government receives impartial and evidence-based advice from experts.	The government is not bound to adopt the advice of the independent body. The body may have minimal influence.
Independent bodies in other jurisdictions typically include a fair balance of employer and employee representatives.	The governance structure of the body is crucial to ensuring that business' input is taken into account. Over-representation of either employers or employees can bias recommendations and hurt the body's credibility.
The committee acts a neutral third party, adding credibility to the process.	Minimum Wage Boards sometimes make decisions that do not align with other government policies that also affect business competitiveness.
	There is an element of unpredictability in this option as it is unclear how frequently the body would be making changes to the minimum wage.

“This option has potential but it also has a lot of unknowns: who’s on the panel and how are they appointed? Do they have to make decisions based on a mandated set of criteria? If so, what is that criteria and how is it determined?”

Debbi Nicholson, Greater Sudbury Chamber of Commerce

THE VERDICT: *Medium Potential*

Consulted members were open to this option, but only if certain conditions were met. Much like option 2, the composition of the body must reflect business interests and include members of those sectors who are most affected by changes to the minimum wage. The composition of the body must be fully transparent, as must the process for selecting the members of the body. Ontario's business community must also have a say in determining the members that would represent employers.

The body must be mandated to consider key economic criteria in their decision-making, including how changes in the minimum wage will impact inflation, employment rates, vulnerable sectors, regional economies, and Ontario's business competitiveness and productivity. The body must also be mandated to make recommendations in a predictable manner, preferably every two years.

BUSINESS VIEWS ON THE FINE PRINT

ESTABLISHING AN INDEPENDENT BODY

1. The body should include representation from those sectors most affected by changes to the minimum wage. Ontario's business community must have a say in the selection of employers on the board.
2. The body should meet once every two years to determine whether or not the minimum wage should be adjusted, based on a mandated set of criteria, including the impact a change in the minimum wage would have on:
 - employment;
 - inflation;
 - regional economies;
 - key Ontario sectors;
 - business productivity and competitiveness.

Option four: The minimum wage is tied to an economic indicator, such as the Consumer Price Index

What is it?

The minimum wage is tied to an economic indicator, or a bundle of indicators, that takes into account changes in the cost of living. Many jurisdictions tie the minimum wage to the national or sub-national Consumer Price Index (CPI), an economic indicator that measures inflation. Increases typically occur on an annual or biennial basis.

Who uses it?

This process has been adopted by Alberta, Nova Scotia, and the Yukon. It is being considered by Newfoundland and Labrador, and Saskatchewan. Alberta uses an average of changes to the province's annual average weekly earnings and changes to the CPI. Nova Scotia's minimum wage is tied to the percentage change in the projected annual CPI for Canada for the preceding calendar year. Yukon ties their minimum wage to the previous year's CPI for Whitehorse.

This process has also been adopted by ten states in the United States: Arizona, Colorado, Florida, Missouri, Montana, Nevada, Ohio, Oregon, Vermont and Washington State. All of the states use the CPI to determine increases.

Pros	Cons
Changes to the minimum wage are principled and predictable. They generally occur at the same time. This allows businesses to plan for hikes in the minimum wage.	Increases to the minimum wage could still occur during economic downturns, as inflation can still rise during times of weak or negative economic growth.
Increases occur regularly so jurisdictions are not required to 'play catch up' through large increases over a short period of time.	Businesses will be forced to adjust frequently if increases occur on a yearly basis. The administrative burden could be cumbersome.
The decision-making process is not politicized. Changes to the minimum wage are based on clearly identified criteria.	
Regular increases mean that the purchasing power of minimum wage employees remains constant.	

“Many of my contracts have price increases attached to an adjusted CPI. It's an indicator that businesses use often and are comfortable with.”

Nancy Stern, The Marco Corporation

THE VERDICT: *High Potential*

Consulted members indicated that tying the minimum wage to an economic indicator will inject a relatively high degree of predictability into the process, making it easier for them to budget accordingly. Members also judged this process option as the most transparent of all the options considered as it removes political interference from the process. Businesses indicated a certain comfort level with the CPI as an economic indicator of choice; many businesses tie their own cost and price increases to the CPI.

This option satisfies all four criteria we identified as our principles: it is predictable, transparent, fair, and relative to the other options, it does not hinder our economic competitiveness.

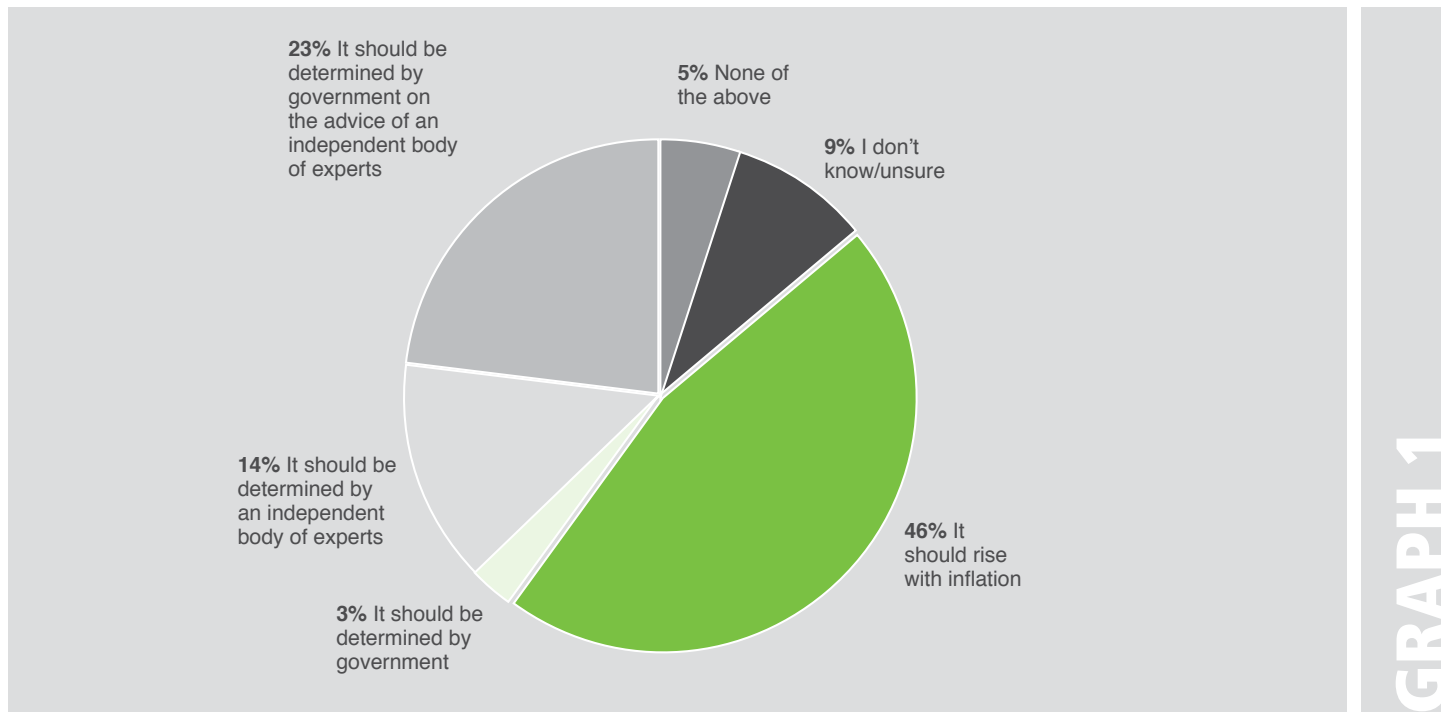
BUSINESS VIEWS ON THE FINE PRINT PEGGING THE MINIMUM WAGE TO INFLATION

Businesses indicated that they prefer the minimum wage to be adjusted every 2 years. Adjusting the minimum wage on a yearly basis would burden businesses with unnecessarily cumbersome administrative costs.

Government should publicize and communicate the new rate widely and well in advance.

Businesses agree that changes to the minimum wage should be rounded to the nearest \$0.05.

Survey results: How should the minimum wage be determined in Ontario? *May 2013, N=1207*



GRAPH 1

There is widespread business support for pegging the minimum wage to inflation, as shown in Graph 1.

DON'T 'MAKE UP FOR LOST TIME'

The impact of spikes in the minimum wage on employment

Ontario's minimum wage is the highest in the Great Lakes Region and among the highest in Canada (see Appendix 1, page 14). Still, some suggest that Ontario's minimum wage must be hiked significantly in the short-term to make up for three years of freezes.

A significant, short-term bump in the minimum wage would yield negative consequences on employment. There is a significant body of evidence (see Baker, 2005; Baker, Benjamin and Stanger 1999; Campolieti, Fang, and Gunderson, 2005; Godin and Veldhuis, 2009; Velduis and Karabegovic, 2011; Yuen 2003) that finds that major increases in the minimum wage have a detrimental effect on employment.

A 2007 report commissioned by the Government of Ontario presents evidence that a 10 percent increase in the minimum wage is likely to reduce the employment of teenagers by 3 to 6 percent, with marginally lower negative impacts on the employment rate for young adults. According to the same report, impacts on employment are similar regardless of whether or not the increases are pre-announced and pre-specified (Gunderson, 2007).

The same report also notes that having a higher minimum wage in Ontario relative to other provinces would likely *exacerbate the adverse employment effects*.

On the whole, many Canadian studies (see Baker, 2005; Baker, Benjamin and Stanger 1999; Campolieti, Fang, and Gunderson, 2005; Godin and Veldhuis, 2009; Velduis and Karabegovic, 2011; Yuen 2003) arrive at the same conclusion: significant hikes in the minimum wage are statistically correlated with a substantial drop in teen employment.

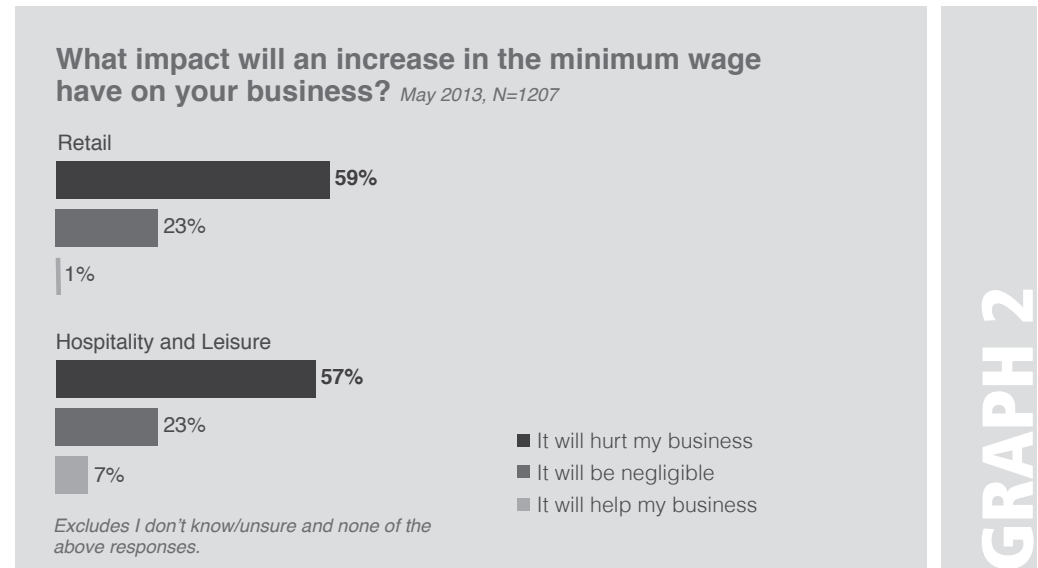
At a time when Ontario's youth employment rate sits at 50 percent, a significant hike in the minimum wage would only further exacerbate Ontario's youth unemployment problem. It would also be at odds with Premier Wynne's commitment to attacking chronic youth unemployment.

Our own research shows that a hike in the minimum wage would have a particularly detrimental effect on key Ontario sectors including: retail, hospitality, and leisure.

Retailers would be forced to increase prices to compensate for labour cost increases. As a result, cross-border shopping—already a significant issue for Ontario retailers—would increase, thereby damaging the retail industry even further.

“The effect of minimum wages on employment in Canada is negative and large relative to the effects estimated for other developed countries.”

(Baker, 2005)



Is the minimum wage an effective poverty reduction tool?

A recent study commissioned by the Government of Ontario by noted economist Morley Gunderson concluded that there is no direct link between minimum wage and poverty rates (Gunderson, 2007).

Other research has found that Ontario's minimum wage earners are not typically members of poor households. In fact, over 80 percent of low wage earners are not members of poor households (Mascella et al., 2004). The same report predicted—correctly—that scheduled increases in Ontario's minimum wage would lead to virtually no reduction in the level of poverty (Ibid., 2004).

Still others have pointed out that a significant hike in the minimum wage can actually have a detrimental effect on poverty rates: evidence suggests that a 10 percent increase in the minimum wage is significantly associated with a 4 to 6 percent increase in the percentage of families living under the Low Income Cut Off line (Sen et al., 2011).

This should not come as a surprise, given that research indicates that higher minimum wage rates cost some low-skilled workers their jobs (The Economist, 2013).

Therefore, we agree with Gunderson's statement that minimum wages are, at best, an exceedingly blunt instrument for curbing poverty (Gunderson, 2007).

“Minimum wages are, at best, an exceedingly blunt instrument for curbing poverty and the evidence suggests they essentially have no effect on reducing overall poverty and only a very small effect on reducing poverty amongst the working poor.”

(Gunderson, 2007)

CONCLUSION

Ontario businesses want a process for determining the minimum wage that is predictable, transparent, and fair. They also want a process that ensures that Ontario remains competitive. Tying the minimum wage to an economic indicator like the CPI makes good business sense.

By tying the minimum wage to the CPI, both employers and employees will be able to reasonably predict the increases in their labour costs and salaries, respectively. Everyone will benefit. Workers won't be subject to long freezes and deterioration of their purchasing power. Employers won't be subject to sudden and unforeseen increases in the cost of doing business.

Tying the wage to an economic indicator removes political interference from the process—something that the other three options we considered could not guarantee. This option is also the most transparent of all the options considered and is one that can be easily understood by employers and employees.

We strongly advise the Panel to reject recommendations that the government temporarily adopt a formula that would see minimum wage rates outpace the rate of inflation. Empirical evidence and our own surveys indicate that this type of increase will have a significantly adverse effect on employment, particularly among youth. It would also cause significant harm to key Ontario sectors including retail, hospitality, and leisure. Evidence also shows that significant hikes to the minimum wage are associated with an increase in the percentage of families living in poverty.

Any decision to raise the minimum wage must take into account the fragility of Ontario's economy. After all, it is businesses, many of whom are still recovering from the economic downturn, that will be footing the bill for any increase to the minimum wage. A sudden increase would cost the province jobs and would weaken many of our key sectors.

Final Recommendations

Our consensus recommendation (high potential)

1. Once every two years, on July 1, the minimum wage should be adjusted based on the cumulative change to the previous two calendar year's *All Items CPI* for Ontario.
 - a. Government should publicize and communicate the new rate widely and well in advance.
 - b. The first increase in the minimum wage should take place on July 1, 2014 and would reflect the CPI's rate of change in 2013. The first year's increase should not take into account the 2012 CPI increases, given the substantial challenges faced by the retail, hospitality, and leisure sectors over the last number of years.
 - c. All changes to the minimum wage should be rounded to the nearest \$0.05.

An expedient second best (medium potential)

2. The government should appoint a Minimum Wage Advisory Board that consists of an equal number of employer and employee representatives, plus a neutral Chair. The Minimum Wage Advisory Board will make recommendations to government on the minimum wage rate.
 - a. The board should include representation from those sectors most affected by changes to the minimum wage. Ontario's business community must have a say in the selection of employers on the board.
 - b. The board should meet once every two years to determine whether or not the minimum wage should be adjusted, based on a mandated set of criteria, including the impact a change in the minimum wage would have on:
 1. employment;
 2. inflation;
 3. regional economies;
 4. key Ontario sectors;
 5. business productivity and competitiveness.

Irrespective of which options are selected, the Ontario business community feels strongly that government should not 'bump' the minimum wage as a method of 'making up for lost time'.

APPENDIX

Canadian Minimum Wage Rates, by Province

Rank	Province/Territory	Minimum Wage (as of September 1, 2013)
1	Nunavut	\$11.00
2	Yukon	\$10.54
3	Nova Scotia	\$10.30
4	Ontario /British Columbia/Manitoba	\$10.25
	Average Minimum Wage	\$10.20
7	Quebec	\$10.15
8	New Brunswick/ Newfoundland and Labrador/ Prince Edward Island/ Northwest Territories/ Saskatchewan	\$10.00
13	Alberta	\$9.95

APPENDIX 1

How the minimum wage is determined in Canada, by province

Province/Territory	Current Minimum Wage	Process	Indexation/Adjustment Mechanism	Date of Last/Next Scheduled Increase
Alberta	\$9.95	Section 138(1)(f) of the Employment Standards Regulation empowers the Lieutenant Governor in Council to make regulations respecting minimum wages.	Each September 1, the minimum wage is adjusted based on a simple average of changes to Alberta's annual average weekly earnings and changes to the CPI in Alberta.	Last increase September 1, 2013
British Columbia	\$10.25	Ad Hoc by government		Last increase May 1, 2012
Manitoba	\$10.24	The Minimum Wage Board consists of employer and employee representatives. When requested by the government, the Board recommends changes to the minimum wage rate in the province.		Last increase October 1, 2012
New Brunswick	\$10.00	The Minimum Wage Board is responsible for providing advice and recommendations to government on the minimum wage.		Last increase April 1, 2012
Newfoundland and Labrador	\$10.00	Three member Advisory Committee (Chairperson, Employer Representative and Employee Representative) which meets every two years. The Advisory Committee solicits public and stakeholder submissions on the minimum wage and reports back to Minister Responsible for the Labour Relations Agency with observations and findings.	PROPOSED: Adjusted annually based on the previous years All Items CPI for Newfoundland and Labrador.	Last increase July 1, 2010. In December 2012 the Minimum Wage Advisory Council recommended that the minimum wage be increased in 2013 and indexed to the CPI in 2014. The government is reviewing the recommendations.
Northwest Territories	\$10.00	Ad Hoc by government		Last increase April 1, 2011
Nova Scotia	\$10.30	On April 1 of each year, this rate is adjusted by the percentage change in the projected annual Consumer Price Index for Canada in the preceding calendar year, rounded to the nearest \$0.05.	Adjusted annually based on the projected annual Consumer Price Index for Canada in the preceding calendar year.	Last increase April 1, 2013
Nunavut	\$11	Mandatory Review by Minister		Last increase January 1, 2011
Ontario	\$10.25	Ad Hoc by government		Last increase March 31, 2010

Province/Territory	Current Minimum Wage	Process	Indexation/Adjustment Mechanism	Date of Last/Next Scheduled Increase
Prince Edward Island	\$10.00	The Employment Standards Board (Neutral Chair and Vice Chair, 3 Employee Representatives, 3 Employer Representatives) meets at least once a year to review the Minimum Wage Order and make recommendations to the Lieutenant Governor in Council with regard to changes on an annual basis. They have the authority to specify when and under what conditions deductions may be made from the wages of an employee and what notification the employee should be given prior to such deduction.		Last increase April 1, 2012
Quebec	\$10.15	Ad hoc based on a formal review (Not statutory)		Last increase May 1, 2013
Saskatchewan	\$10.00	The Saskatchewan Minimum Wage Board is mandated under sections 15 and 15.1 of the Labour Standards Act to review and make recommendations to the Minister of Labour Relations and Workplace Safety on the minimum wage at least once every two years. The Board requests and receives submissions from stakeholders.	PROPOSED: Adjusted according to the annual increase in Saskatchewan's CPI. As of 2012, the Government is actively considering this recommendation.	Last increase December 1, 2012
Yukon	\$10.54	On April 1 of each year, this rate increases by an amount corresponding to the annual increase for the preceding year in the Consumer Price Index for the city of Whitehorse.	Adjusted annually based on the previous year's CPI for Whitehorse.	Last increase April 1, 2013

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