Research for Organizing Webinar Series

Module 7: Mystery Shopping & Observations
Presenters

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Director of Research and Policy

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Research and Policy Associate
Agenda

• Who we are
• Past Modules
• Introduction to Participatory Action Research
• Introduction to Quantitative and Qualitative Data
• Introduction to Mystery shopping and observations
• Case Study
• Logistics for Mystery Shopping
INTRODUCTION TO THE COMMUNITY DEVELOPMENT PROJECT (CDP)
Who is CDP?

• Strengthen impact of grassroots organizations, through...
  – Participatory Action Research Reports
  – Grassroots Policymaking
  – Popular-Education Curriculum Design and Research Training
  – Strategic Campaign Research

**Find out more information about CDP here: [http://cdp.urbanjustice.org/](http://cdp.urbanjustice.org/)**
CDP Partnership Model

• Prioritize working with groups that...
  – Are based in low-income/excluded communities in New York City
  – Conduct community organizing campaigns with a goal of achieving systemic change
  – Are membership-based, member-led
  – Engage in leadership development and base-building activities
Research For Organizing Webinar Series

• Module 1: Unpacking the Toolkit
• Module 2: Designing your Research Project
• Module 3: Getting Your Data and Utilizing Databases
• Module 4: Creating, designing, and implementing Surveys – Quantitative Data
• Module 5: Focus Groups – Qualitative Data
• Module 6: Interviews – Qualitative Data
• Module 7: Mystery shopping/observations
MODULE 7: MYSTERY SHOPPING & OBSERVATIONS
Objectives for this Module

• *Participants will be able to*...
  – Understand the use of observations and mystery shopping in participatory action research
  – Understand and execute the steps involved in developing a mystery shopping form
  – Understand how to sample businesses/service providers to collect meaningful data
  – Understand how to train members and volunteers to do mystery shopping
INTRODUCTION TO PARTICIPATORY ACTION RESEARCH (PAR)
Participatory Action Research (PAR)

• Community-driven
• Power-building
• Action oriented
RESEARCH FOR ORGANIZING (RFO) TOOLKIT
Research for Organizing Toolkit

- Designed for organizations and individuals using PAR in social justice work
- Compiled from years of working with grassroots organizations
- Trainings, tools and tips created for organizers & community members to become more actively involved in research process
RFO Table of Contents

www.researchfororganizing.org
TYPES OF DATA
Quantitative and Qualitative Data

• **QUANTITATIVE DATA**
  – Data that is presented numerically

• **QUALITATIVE DATA**
  – Descriptive data that can help tell peoples’ stories
SOURCES OF DATA
Primary and Secondary Data

• PRIMARY DATA
  – Original information collected from your research sample

• SECONDARY DATA
  – Data that has been collected and analyzed by someone else
SECONDARY DATA
Secondary Data

- Easy to access and mostly free (Google Scholar, Libraries, CBOs, government agencies)
- Can help clarify the research questions
- Helps avoid “reinventing the wheel”
- Shows gaps in existing research
- Might show the difficulty of collecting certain types of information
Secondary Data

- Background Demographic data
- Freedom of Information Act/Law (FOIA/FOIL) requests
- Literature Reviews
- Legal/policy reviews
- Administrative data
Literature Reviews

• Usually look at academic and media articles about the topic
• Summarize findings into one document
• Helps assess
  – What has already been researched
  – Different research methods
  – Gaps in the research
• Can be very helpful when writing the research report
Legal/Policy Reviews

• Review the policy landscape around your issue
  – What are the current laws and administrative policies regarding the issue
  – What are the gaps in regulation and enforcement

• Distills dense information into accessible language

• Useful for designing research instruments

• Useful for making policy recommendations
Administrative Data

• Data routinely collected from organizations, agencies, and institutions
  – Data from organizations could be intake data, information from sign in sheets, etc.
• Information is publicly available (sometimes via FOIL and sometimes via online database)
• Usually tend to have large samples, and over a period of time
### Building Information Search

#### Search by Property

1. **Pick a Borough**
2. **Pick a Borough**
3. **Building Identification Number (BIN):**

#### Browse Block and Lot

4. **Pick a Borough**
5. **Block:**
6. **Lot:**

#### Search for Complaint or Violation

7. **Complaint Number:**
8. **311 Reference Number:**
9. **ECB Violation Number:**
10. **BIN Number for ECB Violation:**

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- **Water Consumption In The New York City**
  - A brief history of water consumption in the New York City Water Supply System.

- **Energy and Water Data Disclosure for Local Law 84 (2012)**
  - On September 25, 2013, New York City released the 2012 energy and water data set for the nation to publicly disclose data for large multifamily buildings. Approaching 2012, the new data set includes more than 9,000 self-reported multifamily properties.

- **Recycling Diversion and Capture Rates**
  - For each Community District, its Recycling Diversion rate (percentage of household recycling) and Capture Rate (% of total Paper or Metal/Glass/Plastic in the waste stream).

- **NYC Cool Roofs Buildings**
  - Locations of buildings participating in the Cool Roofs initiative. NYC Cool Roofs helps reduce energy usage and lower greenhouse gas emissions.

- **NYC Greenthumb Community Gardens**
  - Listing of NYC Greenthumb community gardens.

- **Public Recycling Bins**
  - Locations of public recycling bins throughout NYC.

- **Natural Gas Consumption by ZIP Code - 2010**
  - 2010 Natural Gas consumption in therm and GJ, by ZIP code, building type, and building class.

- **Air Quality**
  - Dataset contains information on New York City air quality surveillance data.
INTRODUCTION TO MYSTERY SHOPPING & OBSERVATIONS
Observations

• When you observe and record in some format something you are trying to study

• Methods of observation:
  – Field notes/Ethnography
  – Matched pairs
  – Mystery shopping

• Can either self-identify as a researcher or observe secretly
What is Mystery Shopping?

- Community members pose as consumers – call or visit businesses and document their experience and observations.
- Shoppers use an observation form that is prepared in advance to document what they observe when they visit a business.
- Data from mystery shopping can be both quantitative and qualitative.
Benefits of Mystery Shopping

• Good way to document fraud and compliance with laws and regulations
• Good for organizing members and getting them involved in research
• Can help identify organizing targets for campaigns
Challenges of Mystery Shopping

• Need capacity of members to carry out mystery shopping
• People may not feel safe or feel vulnerable going into businesses and posing as consumers
• Need capacity to do background policy research so that you can prepare a mystery shopping form
Case Study: Dreams & Schemes in Queens, NY

Dreams and Schemes in Queens, New York

Immigrant Struggles to Find Work and Get Status in the Face of Consumer Fraud

Dreams and Schemes in Queens, NY

Dreams and Schemes in Queens, NY
New Immigrant Community Empowerment (NICE) is a community-based, non-profit organization that works to ensure that new immigrants can build social, political and economic power in their communities and beyond.
The Issue

• Focus on two types of businesses utilized by new immigrants: Immigrant Service Providers (ISP) and Employment Agencies.

• Consumers are primarily undocumented immigrants vulnerable to unscrupulous, predatory, and fraudulent services and practices.
WHAT...

Were the Organizing Goals connected to this research?

• Document predatory, substandard and fraudulent practices of services in Jackson Heights, Elmhurst and Corona, Queens.

• Highlight gaps in enforcement & oversight of services targeted at new immigrants.

• Improve government enforcement & increase regulatory standards for immigrant service providers and employment agencies.
Research Questions

• How are lives and economic wellbeing of new immigrants impacted by predatory, substandard and fraudulent services?
• Why do new immigrants use these services?
• What are the current practices of immigration service providers and employment agencies?
• What are enforcement and regulatory shortfalls for services targeted at this community?
Background, legal & policy research → Create mystery shopping form

Develop outreach plan → Develop mystery shopping scenarios and train mystery shoppers

Develop mystery shopping scenarios and train mystery shoppers → Analyze Data
Sample Legal Review on Immigration Service Providers

New York City Local Law § 20-771

• Provider may not make any guarantees or promises to customer, unless the guarantees are based in fact. The promise or guarantee must be in writing.

• The provider may not represent that there is a fee and may not charge a fee for the distribution or submission of any official document or form issued or circulated by a state or federal government entity. Provider may also not charge for a referral of the customer to another person or entity qualified to provide services or assistance.
Tool 3.18: Template Mystery Shopping Form – Immigration Services

12. Did they offer a referral for any services?
   - Yes  - No  - I don’t remember
   If yes...

   Where?___________________________________

   Did they charge a fee for the referral?
   - Yes (how much?) $__________
   - No  - I don’t remember

13. Did this person guarantee that their services would be successful?
   - Yes  - No  - I don’t remember
Tool 3.16: Sample Mystery Shopping Scenarios

Sample Mystery Shopping Scenarios

- Your name is ______________________ and you are seeking a job in construction. You know how to do most things, but you are best at welding. You need employment as soon as possible, so ask the agency if they can guarantee that they will be able to find you a job. If they ask, you don’t have a work permit.

- Your name is ______________________. You have experience working in restaurants as a cook and washing dishes in your country of origin (feel free to elaborate more on this). If they ask, you arrived very recently to the U.S. and you don’t have a work permit.

- Your name is ______________________, you are seeking work as a nanny. You have experience, letters of recommendation and you would like to find something similar to what you have been doing. You are only interested in being a nanny. If they ask, you don’t have a work permit.

- Your name is ______________________. You arrived to the United States 5 years ago. You crossed the Mexican border in May of 2005. You currently work at a coffee shop. You would like to get papers so that you can be in the U.S. legally and fortunately you have a friend who offered to marry you. Your friend became a U.S. citizen one year ago. If they ask: No one has petitioned for you before.

- Your name is ___________. You arrived to the United States two years ago and got here by crossing the Mexican border in September of 2006. You currently work in construction. You want to know if you can get your papers. A friend of yours told you that they got their papers through a work permit and you want to know if you can do the same. If they ask: No one has ever petitioned for you before.
DREAMS AND SCHEMES IN QUEENS, NEW YORK

Immigrant Struggles to Find Work and Get Status in the Face of Consumer Fraud

A Report by New Immigrant Community Empowerment (NICE) and the Community Development Project (CDP) at the Urban Justice Center

October, 2012
Key Findings

1. Employment agencies do not post proper signage and routinely share space with other businesses in contravention of the law. Similar to ISPs, employment agencies visited by mystery shoppers fail to post licenses, credentials, and notices according to the law. And in violation of the prohibition on mixed-service spaces, many employment agencies share physical office space with other businesses. This informal, jumbled environment breeds confusion and infringes on consumers’ rights.

City and state laws and regulations require employment agencies to:

» Be licensed and prominently display their license, including contact information and validity period; and
» Post key provisions of the General Business Law, printed legibly and in locally appropriate language(s), in the main room of the agency.

City and state laws and regulations prohibit employment agencies from:

» Advertising their services without specifying their name and address and the word “agency;”
» Publishing any false, fraudulent, or misleading information; or
» Sharing space with an unrelated entity or business.

Our research finds that:

» Nearly one in four agencies visited by mystery shoppers did not have a Department of Consumer Affairs license visibly posted;
» 20% of employment agencies visited by mystery shoppers did not have the relevant laws visibly posted;
» Nearly half of the employment agencies visited by mystery shoppers appeared to share a space with another business, in violation of the law, including a locksmith, tattoo parlor, beauty parlor, hair salon, gold-buying company, flooring company, and an ISP.
Policy Recommendations

Employment Agencies

1. The NYS Legislature should amend the state employment agency law (in particular Gen. Bus. Law § 185) to prohibit the existing system of charging advance fees to only the most vulnerable, low-wage workers.

Members of NICE, who work in low-wage industries like domestic work and day labor construction, report being charged substantial advance fees by employment placement agencies (80% of mystery shoppers, at an average of $122.15). Currently, employment agencies in New York State are permitted to charge advance fees—paid before a worker obtains employment—to two categories of workers: Classes “A” and “A1,” comprising domestic workers, household workers, and manual workers, among others. Although the advance fee is theoretically offset against the fee for actual job placement (which applies to all classes of workers), many unscrupulous agencies profit from these advance fees—even when they fail to place customers into jobs (81% of respondents were charged a fee despite not being placed into work).

It makes little common or legal sense that low-wage workers should be uniquely required to make advance payments. A thorough review of the legislative history reveals no rational justification for charging advance fees to these classes of workers. In fact, in 1975, the NYS Legislature expressed concern that employment agencies were being permitted to charge disproportionate fees to “low-paid occupations.” Therefore, section 185 of the General Business Law should be amended to prohibit the charging of any and all advance fees.
Probe reveals rampant ripoffs hitting immigrants

...businesses in rogue storefronts in Queens often fleece immigrants hunting for jobs on promises of not charging fees for services they don't deliver, according to a report out Thursday...
New state bill aims to crack down on employment agencies that prey on immigrants, advocates say
1. The NYS Legislature should amend the state employment agency law (in particular Gen. Bus. Law § 185) to prohibit the existing system of charging advance fees to only the most vulnerable, low-wage workers.

Members of NICE, who work in low-wage industries like domestic work and day labor construction, report being charged substantial advance fees by employment placement agencies (80% of mystery shoppers, at an average of $122.15). Currently, employment agencies in New York State are permitted to charge advance fees—paid before a worker obtains employment—to two categories of workers: Classes “A” and “A1,” comprising domestic workers, household workers, and manual workers, among others. Although the advance fee is theoretically offset against the fee for actual job placement (which applies to all classes of workers), many unscrupulous agencies profit from these advance fees—even when they fail to place customers into jobs (81% of respondents were charged a fee despite not being placed into work).

A study in Queens, New York conducted by New Immigrant Community Empowerment (NICE) and the Urban Justice Center (UJC) found that: 1) 81% of survey respondents who did not find a job through an agency were still charged a fee (average, $122); 2) Agencies do not inform job seekers that fees are refundable and, in violation of existing provisions, refuse to refund excess fees; 3) One third of survey respondents were offered jobs paying below the state minimum wage by agencies in violation of the New York Labor Law and the General Business law; and 4) Job seekers who receive written contracts from agencies are more likely to secure jobs and less likely to experience fraud. However, among immigrant job seekers surveyed, two thirds were not given a written contract.

Employment agency abuse affects job seekers throughout the entire state. There exist approximately 300 licensed employment agencies in New York State.
Dear Supporters,

On the last day of the NYS legislative session our Justice for Job Seekers bill S.8102/A.10672 passed the Senate 44-17 and the Assembly 109-15. Once signed by Governor Andrew Cuomo, the bill will provide fair and meaningful protections to low-wage immigrant workers as they look for work in the state of New York. This is a huge win for our communities!
Mystery Shopping Logistics

Preparing for Mystery Shopping → Outreach Plan → Training Shoppers → Conducting Mystery Shopping
Preparing for Mystery Shopping

• Look at research questions—which questions can be explored through mystery shopping?
• Conduct literature and legal reviews
• Identify the disconnects between law and practice
• Develop a mystery shopping form
• Develop scenarios
• Train shoppers
Research Questions

• Which research questions can best be explored by mystery shopping?

  – What are the current practices of immigration service providers and employment agencies?

  – What are enforcement and regulatory shortfalls for services targeted at this community?
Preparing the Mystery Shopping Form

- Guided set of questions where the observer/shopper documents the interaction with the service provider.
- Based on findings from literature/legal review of what the service provider is supposed to do
- Shopper is able to observe what is actually happening and what the shortcomings are
Tool 3.18: Template Mystery Shopping Form – Immigration Services

12. Did they offer a referral for any services?
   - Yes  
   - No  
   - I don’t remember

   If yes...

   Where?___________________________________

   Did they charge a fee for the referral?
   - Yes (how much?) $________
   - No  
   - I don’t remember

13. Did this person guarantee that their services would be successful?
   - Yes  
   - No  
   - I don’t remember
Preparing for Mystery Shopping

Outreach Plan

Training Shoppers

Conducting Mystery Shopping
Outreach Plan

• Recruit members, volunteers to participate as mystery shoppers
• Figure out mystery shopper capacity based on how many members, volunteers and staff can participate
• Decide how many or which businesses/service providers you can send shoppers to
• Depending on the issue, might want to do a **business/service provider canvas** in the areas you are researching
  – Also do research on targets through consumer services agencies
# Publicly Available Data

## Employment Agency - Current Licensees

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Preparing for Mystery Shopping → Outreach Plan → Training Shoppers → Conducting Mystery Shopping
Activity 3.10: Mystery Shopping Training

Activity: 3.10 Mystery Shopping Training

Purpose of Activity:

To make participants familiar with the instrument being used for mystery shopping and to train shoppers and observers on how to conduct the mystery shopping visits.

By the end of the activity Participants will:

- Understand what mystery shopping is and why it is being used
- Understand how mystery shopping fits in to the larger campaign
- Be familiar with some research terms
- Be familiar with the mystery shopping instrument
- Understand all the key terms in the instrument
- Understand who/where should be targeted by the mystery shopping visits

Before this Activity Participants Will Need to:

Determine where you want to go for the mystery shopping
Have finalized your mystery shopping instrument
Develop scenarios for your mystery shoppers

Materials Needed:

Paper
Writing Utensils
Research questions
Sample Mystery Shopping Scenarios

- Your name is ___________________________ and you are seeking a job in construction. You know how to do most things, but you are best at welding. You need employment as soon as possible, so ask the agency if they can guarantee that they will be able to find you a job. If they ask, you don’t have a work permit.
- Your name is ___________________________. You have experience working in restaurants as a cook and washing dishes in your country of origin (feel free to elaborate more on this). If they ask, you arrived very recently to the U.S. and you don’t have a work permit.
- Your name is ___________________________, you are seeking work as a nanny. You have experience, letters of recommendation and you would like to find something similar to what you have been doing. You are only interested in being a nanny. If they ask, you don’t have a work permit.
- Your name is ___________________________. You arrived to the United States 5 years ago. You crossed the Mexican border in May 2005. You currently work at a coffee shop. You would like to get papers so that you can be in the U.S. legally and fortunately you have a friend who offered to marry you. Your friend became a U.S. citizen one year ago. If they ask: No one has petitioned for you before.
- Your name is ___________. You arrived to the United States two years ago and got here by crossing the Mexican border in September of 2008. You currently work in construction. You want to know if you can get your papers. A friend of yours told you that they got their papers through a work permit and you want to know if you can do the same. If they ask: No one has ever petitioned for you before.
Sample Scenario

- Your name is _____________________ and you are seeking a job in construction. You know how to do most things, but you are best at welding. You need employment as soon as possible, so ask the agency if they can guarantee that they will be able to find you a job. If they ask, you don’t have a work permit.
Preparing for Mystery Shopping

Outreach Plan

Training Shoppers

Conducting Mystery Shopping
Conducting Mystery Shopping

• Shoppers can often go in pairs
• In addition to filling out the mystery shopping form, may also be asked to take pictures of signage
• Shoppers should also be made aware of what they can and can’t do when mystery shopping — i.e. Giving a fake social security number
Tool 3.15: Tips for Mystery Shopping

Tips for Mystery Shoppers

1. Focus on your role
2. Be consistent with your story/scenario
3. Do not include the observer in the conversation (let the observer observe)
4. Start right away
5. Find out title, name and contact information of the person speaking to you. (Ask for fliers, business card, etc.)
6. Ask what types of services they provide
7. Ask about the costs of the services (upfront costs, payment plans, associated fees and costs, refunds if not satisfied, etc.)
8. Get specific information about the how they provide services (requirements and qualifications for consumer, what personal information they need, timeline, etc.)
9. Find out if they will give you a contract

Tips for Observers

1. Focus on your role (be observant)
2. Try not to be part of the conversation unless you are asked a question
3. Do not use your cell phone during the conversation
4. Look around for posters, pictures, fliers on the walls
5. Look for relevant documentation (certificates of service, license numbers, relevant laws and statutes, etc.)
6. Collect fliers, pamphlets, brochures, business cards, and other information
7. Once you are done observing, pay attention to the conversation
Organizing!

Preparing for Mystery Shopping → Outreach Plan → Training Shoppers + Conducting Mystery Shopping → Post-Mystery Shopping Analysis
How to involve members

• Team of leaders to oversee the research project
• Members have firsthand accounts on what goes on when interacting with service providers
• Members can be the mystery shoppers
USING MYSTERY SHOPPING DATA
Post-Mystery Shopping Analysis

• Once you have mystery shopping data, can enter and analyze

• Additional literature and legal reviews of the businesses/service providers needs to be done
  – Checking for licensing
  – Violations
  – Any articles about businesses
Research For Organizing Webinar Series

Moving Forward

• Module 8: Data Entry
• Module 9: Creating research findings and Policy Recommendations
• Module 10: Presenting & Releasing your Research