

THE EASTERN CARIBBEAN SUPREME COURT

**IN THE HIGH COURT OF JUSTICE
CIVIL DIVISION**

SAINT LUCIA

CLAIM NUMBER: SLUHCV2026/0207

BETWEEN:

[1] THECLA GOODMAN
[2] LINDEL JAMES
[3] ANDREW CHARLES
[4] MARY JAMES
[5] MALCOLM PHILLIP
[6] CHRIS FRED
[7] CLEOPATRA ANTHONY
[8] RAPHAEL LAMONTAGNE

Applicants

-and-

[1] SAINT LUCIA CIVIL SERVICE ASSOCIATION (CSA)
ELECTION COMMISSION

[2] SAINT LUCIA CIVIL SERVICE ASSOCIATION

Respondents

Before the Honourable Mr. Justice Alvin Shiva Pariagsingh

Appearances:

Ms. Alberta A.G.S. Richelieu for the Applicants
Dr. Kenny D. Anthony for the Respondents.

2026: June 15- Hearing
June 25 – Decision

JUDGMENT

Application For Injunctive Relief and Ordering Fresh Elections

"There's no such thing as a vote that doesn't matter. It all matters."
— Barack Obama¹

¹ September 17, 2016 – remarks during keynote address at the congressional Black Caucus Foundation's 46th Annual Legislative Conference Phoenix Awards Dinner, Washington, DC.

INTRODUCTION:

- [1] **PARIAGSINGH, J:** - At the core of this application echoes the statements of Former US President Obama quoted above. Before the Court is the Applicants application for interim injunctive relief filed on 18th May 2026. Though the application was filed ex-parte and with a certificate of urgency, the Court directed that the matter be heard inter partes.
- [2] Both parties have filed evidence and submissions. The parties also made oral submissions at the hearing on 15th June 2026. Subsequent to judgment being reserved, the Court invited further evidence and submissions on a limited mixed issue of fact and law.

THE APPLICATION:

- [3] By their application filed on 18th May 2026 the Applicants seek the following relief:
- 1) "An Interim Injunction restraining the Respondents, whether by itself, its servants, agents, officers, members, or howsoever otherwise, from swearing in, appointing, confirming, recognizing, or permitting the incoming executive purportedly elected on the 29th day of April 2026 from assuming office pending the hearing and determination of this matter or further Order of the Court.
 - 2) An Interim Injunction restraining the Respondents from implementing, acting upon, or giving effect to the purported results of the election conducted on the 29th day of April 2026 pending the hearing and determination of this matter or further Order of the Court.
 - 3) An Order directing that a fresh election be conducted in accordance with : -
 - a. the Constitution and electoral rules of the Respondent Association;
 - b. principles of procedural fairness, transparency, and accountability; and
 - c. such safeguards as may be necessary to ensure the integrity of the election process.
 - 4) An Order directing that fresh elections include: -
 - a. proper supervision and monitoring of ballot boxes and ballots;
 - b. full access and observation rights for candidates' agents throughout all material stages of the process;
 - c. proper sealing, safeguarding, transportation, and custody of ballots; and
 - d. reconciliation and verification of all ballots cast and counted.

5) An Order preserving all ballots, ballot boxes, tally sheets, registers, count sheets, and all election materials for the new election.

6) Costs shall be cost in the cause.”

[4] The grounds of the application are, in summary, that serious procedural irregularities occurred during and after the election which materially compromised the integrity, transparency, fairness and reliability of the election process and the purported results declared.

[5] The Applicants contend that the cumulative effect of the irregularities give rise to a reasonable apprehension that the election process was materially compromised and that the declared result is unsafe and unreliable.

[6] The Applicants contend that there is a serious issue to be tried, damages are not an adequate remedy and the balance of convenience lies in favour of preserving the status quo pending the trial of this claim.

[7] The Applicants have given the usual undertaking in damages and have by the time of this judgment filed their claim. The application is opposed.

THE EVIDENCE:

Ms. Thecla Goodman in support of the application:

[8] Ms. Goodman’s deposes that there were several serious issues during and after the election. She deposed that candidates’ agents were not allowed to remain present throughout all important parts of the process, including the handling, safeguarding, verification and counting of ballots. She also deposes that there were concerns about whether ballot boxes were properly sealed and whether ballots were kept securely after voting ended. Another concern raised is that ballot boxes from Soufrière were allegedly transported with a police escort behind the vehicle, rather than with a police officer physically present with the ballot boxes. In her view, this raised doubts about the chain of custody.

[9] Ms. Goodman also complains about the way the results were announced and recorded. She deposes that the candidates were given only limited information about the results, without a full breakdown of the total votes cast, spoiled or rejected ballots, unused ballots and reconciliation figures. She states that this made it difficult to verify whether the numbers were accurate. She also says she requested a recount after concerns were raised but the Commission refused to carry one out. Because of these issues, she asks the Court to restrain the incoming executive from taking office, preserve the election materials and order a fresh election or other appropriate relief.

In opposition to the application:

[10] Lesley-Ann Modeste, on behalf of the Election Commission, gives a very different account. She says the election was properly organized and conducted in accordance with the CSA Constitution. According to her, candidates were briefed before election day and the Commission issued notices, nomination forms, reminders and other election information. She says the election was peaceful and that the Commission was not aware of any formal protest or complaint during the voting process.

[11] On the issue of agents, Ms. Modeste says candidates' agents were allowed to be present at polling stations and during the counting of ballots. She accepts that space at the CSA Secretariat was limited but says this was explained to candidates beforehand. She also describes one incident involving Mr. Curtis Tross, where he tried to observe another ballot box after the counting of the box assigned to him had finished. According to Ms. Modeste, he was asked to wait outside because each box already had an assigned agent observing it and there was limited space.

[12] Ms. Modeste denies that the ballots or ballot boxes were improperly secured. She says all used and unused ballots were sealed in envelopes, placed in ballot boxes, transported to CSA headquarters and stored in a locked room at the CSA Secretariat. She says she had the only key to that room. She also states that police officers assisted with security and transportation and that Sergeant Erin Frederick helped escort ballot boxes to headquarters. In her view, there was no evidence of tampering, interference, substitution, or contamination.

[13] On the recount issue, Ms. Modeste says the Commission did not refuse a proper recount request. She says Ms. Goodman first emailed requesting a recount but later sent another email asking that the earlier email be disregarded because someone from the “One Team” would send a further email. Ms. Modeste says the Commission treated that as a withdrawal of Ms. Goodman’s request. She also says another request came from Mr. Tross but the Commission replied and indicated that any recount request had to come from an individual candidate. The Commission later took the position that a recount was not necessary because the procedures had been followed and the results verified.

[14] Peter Kervin Fedee also supports the defendants’ position in an affidavit filed by him. He says he has experience in election administration and has served before on the CSA Elections Commission. He states that the ballots and election materials remained sealed and secured in a room controlled by the Commission. He also says the Soufrière ballot boxes were transported in the presence of a police officer and agents, then proceeded to Castries with police escort. According to him, the process was witnessed by him and Commissioner Modeste.

[15] Mr. Fedee further says the results announced on election night were only meant to identify the successful candidates, not to provide the full statistical breakdown. He explains that the detailed reconciliation and ballot accounting information would be included in the Commission’s official report, as had been done in previous elections. He denies that candidates or agents were denied access to polling centres and says any limitation during counting was due to space and safety concerns.

In reply to the opposition:

[16] In her reply affidavit, Ms. Goodman challenges Ms. Modeste’s version of events. She says the Commission did not give proper notice before election night that agents would be limited during the count. She says Mr. Tross had been appointed to act as agent for the “One Team” slate and was prevented from observing the counting of several ballot boxes. She argues that this deprived the candidates of a fair opportunity to verify the counting process.

[17] Ms. Goodman also points out what she says are contradictions in the Commission's evidence. For example, Ms. Modeste says the ballot boxes were properly sealed but also admits that some seals had to be cut to remove "paraphernalia" from the boxes. Ms. Goodman says this admission raises serious questions about who opened the boxes, when they were opened, what was removed, whether agents were present and whether the boxes were properly resealed afterwards. She says those unanswered questions support the claim that the ballot materials were not handled transparently.

Further evidence at the invitation of the Court.

[18] Following judgment being reserved, the court made an order on paper permitting the parties to file additional evidence based on the oral representations from the Bar table by Ms. Richelieu that the **Section 350 of the Labour Act**² procedure was triggered.

[19] By an order made on paper on 19th June 2026 both affidavits filed by the Applicants were struck out save for two substantive paragraphs and one exhibit³, with the Court indicating that the substantial non-compliance with its order by the Applicants will be taken into account in treating with costs.

[20] The relevant evidence comes from an attachment to the affidavit of Chris Fred filed on 18th June 2026. Exhibit 'C.F.4' is an email to Mr. Nicolai Lansiquot sent by Samuel Chris Fred (who I assume is the same person as Chris Fred who deposed to the affidavit) on 4th May 2026 at 5:57pm. The subject of this email is "**Fwd: Re Application to Registrar under Section 350 (2) of the Labour Code**". The body of the email is short and is worth setting out verbatim:

"The attached is for your attention in your capacity as the Registrar of the Trade Unions and Employers Organization.

Looking forward to your office resolving this long outstanding matter.

In solidarity,

Chris Fred"

² Chapter 16:04 of the Revised Laws of Saint Lucia

³ Exhibit "C.F.4" a chain of emails was not struck out.

[21] In response Mr. Nicholai Lansiquot, Deputy Labour Commissioner and Registrar of Trade Unions and Employers' Organisations in his affidavit filed 19th June 2026 makes several important points. Firstly, the letter purporting to make the complaint was not addressed to him as the primary recipient nor was it addressed to him in his official capacity. It was addressed to the CSA Election Commission and he was carbon copied. In his view, this meant that the correspondence was sent to him for information and not action. Secondly, he contends that merely being copied on the correspondence was not equivalent to and not treated by him as the lodging of a formal complaint. Accordingly, his statutory function as Registrar was not engaged and no obligation arose on his part to respond.

ANALYSIS:

Is there is serious issue to be tried?

[22] At this interlocutory stage, the Court is not concerned with determining the ultimate merits of the substantive claim or conducting a mini trial of the disputed facts. The question is whether, having regard to the evidence presently before the Court, it is just and necessary to grant interim relief pending the final determination of the proceedings.

[23] The governing principles are well established in **American Cyanamid Co v Ethicon Ltd**⁴. The Court must consider whether there is a serious issue to be tried, whether damages would be an adequate remedy, where the balance of convenience lies, whether the status quo ought to be preserved and whether any special factors affect the exercise of the Court's discretion.

[24] The first limb must be approached with some care. Although the threshold for establishing a serious issue to be tried is a relatively low one, it is not illusory. The Court must investigate the facts of the matter as set out in the affidavits but only to the extent of ascertaining whether the applicant for the interim injunction has prospects of success which in substance and reality are shown to exist, See **Donald Bridgeman v HKZ Inc.**⁵

⁴ [1975] AC 396

⁵ GDAHCVAP2021/0011 (delivered 22nd October 2021, unreported)

[25] I accept that the allegations made by the Applicants are serious in nature. Complaints concerning the fairness, transparency, accountability and integrity of a trade union election are inherently significant. Allegations of improper exclusion of agents, insecure ballot custody, inadequate reconciliation, irregular transportation of ballot boxes and refusal of a recount could, if properly supported by evidence, raise matters fit for trial. However, the seriousness of an allegation is not itself sufficient to establish a serious issue to be tried. Even at the relatively low interlocutory threshold, the Court must be satisfied that there is adequate evidential foundation to exercise the equitable jurisdiction of the Court to grant injunctive relief.

[26] Having carefully reviewed the evidence before me, I am not satisfied that the Applicants have identified with sufficient specificity any irregularity which materially compromised the election process or affected the declared result to find, even on a low threshold that there is a serious issue to be tried. The affidavits do not adequately identify which polling station was affected, which ballot box was allegedly compromised, which tally was inaccurate, what constitutional provision was materially breached, or how any alleged irregularity realistically affected the outcome of the election.

[27] For example, the Applicants allege that “ballot boxes and ballots were not properly sealed following polling and counting”⁶. Yet, beyond this bare assertion, no particulars are provided. There is no identification of whether this complaint pertains to all ballot boxes or only specific polling stations, who observed the alleged irregularity, when it occurred or in what manner the integrity of the ballots was compromised. Similarly, the allegation is made that “candidates’ agents were not permitted to remain present throughout all material stages of the electoral process, including the handling, safeguarding, verification and counting of ballots”⁷. That allegation is directly disputed by the Respondents. Beyond the general assertion itself, the Applicants provide no further particulars identifying the specific stages during which access was denied, the extent of the alleged exclusion or the practical consequence arising from it. In those circumstances, I attach limited evidential weight to the allegations.

⁶ Paragraph 10 of the affidavit in support

⁷ Paragraph 8 of the affidavit in support

[28] The Respondents submit that the Applicants' complaints are general, speculative and based largely on hearsay. In my view, that criticism has force. The Applicants have not provided sufficiently particularized evidence showing how the election was rendered unfair or how the alleged irregularities materially affected the declared result. Though hearsay is permitted in affidavit evidence in support of interlocutory proceedings, in some instances the source of the information is not stated and the general quality of the evidence provided by the Applicants is vague and general.

[29] The Applicants rely on **Eng Mee Yong v Letchumanan**⁸ for the proposition that an applicant need not establish a probability of success or a strong prima facie case in order to obtain interim relief. I accept that principle entirely. However, that authority does not dispense with the need that some credible evidential basis must exist.

[30] While the Applicants do not have to prove that they will ultimately succeed at trial, See **Notre Dame Investments Ltd v Rowntree Trading Ltd**⁹, they must demonstrate that their claim is not frivolous or vexatious and that the evidence discloses a real question for determination. It is not enough to raise allegations which sound serious. The evidence must identify the acts or conduct relied upon and show a cogent link between those acts and the risk said to arise if the injunction is refused. The reasoning in **Notre Dame** is instructive in this regard. There, interim relief was refused because the evidence failed to sufficiently identify the acts or behaviour on which the injunction could properly be granted and where acts were described, there was no cogent evidence linking them to the alleged risks.

[31] The same difficulty arises here. Although the Applicants' allegations concerning the CSA election are serious in nature, the affidavit evidence before the Court does not adequately provide an evidential basis to support the allegations. The Respondents, by contrast, have provided direct answers to the complaints and the Applicants' reply

⁸ [1980] AC 331

⁹ NEVHCVAP2022/0009 (delivered 19th June 2024, unreported)

affidavit falls far short of providing material evidence to undermine the Respondents answers. In my view, disputed facts alone do not justify the grant of injunctive relief.

[32] The Applicants say that the election held on 29th April 2026 was unfair, lacked transparency and accountability and violated procedural fairness because agents were not permitted to observe all material stages of the process. However, the Respondents say the election was conducted pursuant to the CSA Constitution and in accordance with established practice. The Respondents say that agents were present at polling stations during voting and counting. They accept that space at the CSA Secretariat was limited but say this was a practical issue caused by the number of candidates and the available space. They also say the candidates were informed of this before election day and that each ballot box had at least one assigned agent observing the count.

[33] The Respondents also provide a specific answer concerning Mr. Curtis Tross. They explain that after the count for the box assigned to him had concluded, he attempted to observe another ballot box already being monitored by another agent. He was asked to wait outside due to space constraints. The Applicants dispute this account, but they have not shown that Mr. Tross had a right to observe every ballot box, that the Commission agreed he would observe every box, that no other agent was present, or that any irregularity occurred because he was not present for every count.

[34] The Applicants also raise concern regarding ballot and ballot box security. Particular emphasis is placed on the Respondents' admission that some seals were cut to remove certain paraphernalia from ballot boxes. The Applicants argue that this raises questions concerning who opened the boxes, what was removed, whether agents were present, whether a chain-of-custody record was made and whether the boxes were properly resealed. Those questions may be explored at trial, but do not amount to evidence of tampering. The Applicants have not produced evidence that ballots were altered, removed, substituted, contaminated or otherwise interfered with. Suspicion alone cannot suffice.

[35] The transportation complaint is similar. The Applicants say ballot boxes from Soufrière were transported to Castries with police escort behind the vehicle, rather than with a police officer inside the vehicle carrying the ballots.

[36] The Respondents answer that there was a handover at Vieux Fort in the presence of the assigned police officers and agents, after which the convoy proceeded directly to Castries under police escort. The Applicants have identified no constitutional provision, electoral rule or established procedure requiring a police officer to sit in the vehicle with the ballot boxes, nor have they shown that the method employed resulted in any actual compromise of ballot security.

[37] The Applicants' strongest complaint, in principle, concerns reconciliation and vote tabulation. They say the number of voters did not add up, the total votes cast, spoiled ballots, rejected ballots and other reconciliation figures were not disclosed, thereby preventing verification of the declared results. A transparent election process should ordinarily allow candidates and members to understand how the result was reached.

[38] However, the Respondents' answer is that the election night announcement was not intended to be the final reconciliation report. They say the announcement was made to identify the successful candidates, while the detailed reconciliation and official report were to be presented to the Conference of Delegates. They also say this was the same practice used in previous CSA elections, including the 2024 election in which Ms. Goodman, the First Applicant was successful.

[39] That evidence is significant and has not been sufficiently answered. It appears that, historically, winners are announced on the night of the poll and the final reconciliation is presented at the Conference of Delegates. The fact that the same practice appears to have been followed before without objection makes it difficult, at this stage, to treat the absence of final reconciliation on election night as evidence of irregularity merely because the result was different.

[40] The recount issue does not materially strengthen the Applicants' request for interim relief. The Respondents say the Commission did not ignore or refuse a valid recount

request. They say recount requests had to come from individual candidates rather than agents or groups and that Ms. Goodman's request was treated as withdrawn after she sent a later email asking that her previous email be disregarded because an official from the One Team would contact the Commission.

[41] The Applicants dispute the Respondents' explanation, but there is no sufficient answer to the substance of it. They have not identified a rule requiring the Commission to accept a recount request from an agent, shown that Ms. Goodman's later email could not reasonably have been treated as withdrawing or suspending her earlier request, or identified a candidate who made a valid recount request which the Commission was bound to grant.

[42] I have also considered **Siskina (Cargo Owners) v Distos Compania Naviera SA**¹⁰ which was relied on by the Applicants. I accept the principle stated by Lord Diplock in **Siskina** that an injunction was not a cause of action. It is ancillary to an existing legal or equitable right. The Applicants must therefore show more than dissatisfaction with the election outcome. They rely on rights under the CSA Constitution, established electoral procedures, natural justice, procedural fairness and legitimate expectation. That may provide a legal foundation, but the evidence must still justify the interim relief sought.

[43] The Applicants further rely on **Dennis Belle et al v Rodriguez Panthia**¹¹ for the proposition that the Court should not go into the merits in detail at the interlocutory stage and should ask whether the affidavit evidence establishes a cause of action. I accept that principle. It prevents a mini trial, but it does not require the Court to ignore the quality of the evidence placed before it.

[44] Taking the evidence together as a whole, I find that the allegations are serious in nature, but the evidence filed does not sufficiently establish a serious issue to be tried for the purpose of granting the interim injunction sought. Much of the Applicants' case remains at the level of suspicion, assertion and unanswered questions, rather than evidence of

¹⁰ [1979] AC 210

¹¹ DOMHCV2020/0147

a specific irregularity which materially compromised the election. Further, the allegations have been answered by the Respondents and the Applicants' replies do not materially undermine those answers.

[45] I therefore conclude that the Applicants have failed to satisfy the first limb of the test in **American Cyanamid**. While the evidentiary threshold at this stage is a low one, it remains a threshold nonetheless. Mere conclusory assertions, unsupported by sufficiently cogent material facts, cannot ground interlocutory intervention by the Court.

[46] Having concluded that there is no serious issue to be tried, then in accordance with the principles in **American Cyanamid**, a court is not required to consider issues such as the balance of convenience and whether damages would be an adequate remedy. However, for completeness and in the event that I am wrong, I will go on to consider these factors.

Are damages an adequate remedy?

[47] I turn next to damages. The Applicants say if interim relief is not granted and they were to succeed at trial, damages would not be adequate because the case concerns voting rights, democratic governance, electoral integrity and the legitimacy of the CSA executive. I accept that monetary compensation is not an obvious or adequate remedy for the loss of an election or for the installation of an executive whose authority is later found invalid. These matters are not easily measured in money.

[48] The Court must equally consider whether damages would be an adequate remedy for the Respondents if it is found that interim relief is wrongly granted. In the present case, the suspension of an elected executive and interruption of the governance of a functioning trade union are likewise consequences for which damages would provide little practical answer. The Court must therefore turn to the balance of convenience or, as Sir John Donaldson MR described it in **Francome v Mirror Group Newspapers Ltd**¹², the "balance of justice."

¹² [1984] 1 All ER 408

What does the balance of justice/ convenience favour?

[49] The Applicants say that if the injunction is not granted and the incoming executive assumes office, it may enter contracts, allocate funds, appoint committees, make disciplinary or administrative decisions and exercise authority while its legitimacy is under challenge. They say those actions may be difficult to undo if the election is later declared invalid and may render the issues complained of nugatory. The Applicants further submit that there is a substantial risk of a legitimacy deficit, in that decisions taken by an executive whose election is subsequently declared invalid may be susceptible to challenge, rendered void, or remain subject to ongoing uncertainty, thereby undermining confidence in the organisation's governance and the integrity of its decision-making processes. According to the Applicants, it is considerably more detrimental for an organisation to operate under potentially unlawful authority than to temporarily defer the implementation of a disputed election result pending judicial determination. By contrast, they say if the injunction is granted and the Respondents ultimately succeed, the disputed incoming executive will simply assume office at a later date.

[50] These concerns must be weighed against the prejudice identified by the Respondents. The Respondents submit that granting the injunction would prevent the newly elected executive from assuming office, leave the CSA without proper leadership, impair the Association's ability to represent its members, deepen division and disharmony and suspend the result of an election on allegations not yet proven. They also say the Applicants seek to impugn the entire election, not merely the result in a specific polling division and that a new election would be costly and disruptive. On the other hand, the Respondents submit that if the injunction is refused, the Commission's report will be presented at the Bi-annual Conference at which point the Applicants will have an opportunity to raise their concerns for consideration by their peers. They note that the Applicants also have recourse under section 350 of the Labour Act and to the Court, having filed a substantive claim.

[51] In **Films Rover International Ltd v Cannon Film Sales Ltd**¹³, Hoffmann J emphasized that interim injunctions involve a practical assessment of risk and that the Court should take the course likely to produce the least injustice if the interim decision later proves wrong. In **National Commercial Bank Jamaica Ltd v Olint Corp Ltd**¹⁴, Lord Hoffmann similarly stated that the Court must consider whether granting or refusing the injunction is more likely to cause irreparable prejudice.

[52] In my view, the balance of convenience favours the Respondents. The harm caused by granting the injunction would be immediate and concrete. It would prevent elected officers from taking office and may leave the Association in uncertainty. The CSA is a functioning trade union with members who require representation. The Court should be slow to paralyse the governance of such an organization unless the evidence clearly justifies that step.

[53] If the injunction is refused and the Applicants later succeed, the Court may still grant effective final relief, including declarations, setting aside the election, ordering a fresh election, or making other appropriate orders. Election materials can also be preserved and directions given for the prompt hearing of the matter. These measures reduce the risk that refusing the injunction will render the claim nugatory.

[54] The status quo is also not straightforward. The Applicants say it is the position before the incoming executive assumes office. The Respondents say the election has already taken place, the results have been declared and the ordinary consequence is that the elected executive assumes office unless and until the election is set aside. The Court must decide which course better preserves justice; it cannot simply freeze the Association whenever an election result is challenged.

¹³ [1987] 1 WLR 670

¹⁴ [2009] UKPC 16

Other factors/ Alternative Remedy:

[55] In my view, the alternative remedy point is a solid answer to this application. **Section 350 of the Labour Act**¹⁵ specifically addresses improper election practices in trade unions and employers' organizations. It allows a member, on reasonable grounds, to apply to the Registrar, who may declare an election void, fix a date for a fresh election, make provision for filling offices pending such election, or make such other order relating to the election or fresh election as may be appropriate. It also provides a right of appeal to the Tribunal.

[56] The Applicants answer that section 350 of the Labour Act does not expressly oust the jurisdiction of the High Court. They say the claim is wider than improper election practices and includes illegality, procedural impropriety, breach of natural justice, irrationality and failure to comply with constitutional and electoral requirements. They also rely on section 334 of the Labour Act and contend that the High Court retains inherent and supervisory jurisdiction.

[57] I accept that section 350 of the Labour Act does not oust the High Court's jurisdiction. Clear statutory language would be required before the Court concluded that its jurisdiction had been ousted. However, the existence of section 350 remains highly relevant to the exercise of jurisdiction. This remedy provides a tailored statutory mechanism for the type of complaint advanced here and gives the Registrar broad election-related powers.

[58] From the evidence however, it is clear that no complaint was made to the Registrar pursuant to Section 350 of the Labour Act. Mr. Nicholai Lansiquot, Deputy Labour Commissioner and Registrar in his affidavit filed 19th June 2026 makes the point that the

¹⁵ **350. Improper election practices**

(1) A person shall not attempt to influence the outcome of an election for any office in a trade union or employers' organization by improper means or conduct.

(2) Upon application to the Registrar by any member of a trade union or employers' organization, claiming, upon reasonable grounds, a violation of subsection (1), the Registrar may declare such election void, determine a date for the holding of a fresh election, or make provision for the filling of the offices concerned, pending the outcome of such fresh election, or make such other order relating to such election or fresh election as it may deem fit.

(3) A person aggrieved by the determination of the Registrar under subsection (1) may appeal to the Tribunal against the determination.

letter of 4th May 2026, attached to the email of Chris Fred, purporting to make the complaint was not addressed to him. It was addressed to the CSA Election Commission, and he was carbon copied on it. I note also that the letter does not state any of the 'reasonable grounds' for concluding the statutory route to challenge the elections had been triggered. The Registrar in his affidavit has responded indicating that to date, no official complaint pursuant to Section 350 of the Labour Act was made to him. Save for a forwarded email to the Registrar with a letter attached, which is not addressed to him, the Applicants have not satisfied this Court that they triggered Section 350 of the Labour Act, which provides a complete and effectual alternative remedy.

[59] I make the point that the alternative remedy is effectual as it gives the Registrar wide powers, the same and arguably more than the High Court to grant to the Applicants the same remedy they seek. The Applicants have however not accessed this remedy. In my view, where Parliament has provided a specific statutory mechanism designed to address precisely the category of dispute before the Court, the Court must be slow to exercise its jurisdiction where that remedy has not first been properly invoked, absent some compelling reason for doing so. There is no reason disclosed in the application which justifies the Court exercising jurisdiction to grant an injunction in the absence of the Applicants triggering Section 350 of the Labour Act. In my view, to do so would not be in furtherance of the overriding objective and does not support the good administration of justice.

[60] The Applicants also rely on trade union election principles derived from United Kingdom law, including the **Trade Union and Labour Relations (Consolidation) Act 1992**, **Atkin's Court Forms** and the principles that all members must have equal voting entitlement, must vote without interference or constraint and that votes must be fairly and accurately counted. They rely on **Hilaire v Chastanet**¹⁶ and **Heatons Transport (St Helens) Ltd v Transport and General Workers Union**¹⁷ to support the relevance of trade union constitutional rights, custom and practice.

¹⁶ [2023] UKPC 22

¹⁷ [1972] UKHL J 0726-1

[61] Those principles are not controversial. A trade union election must be conducted fairly and in accordance with the union's constitution and rules. A trade union constitution may have contractual force between the union and its members. However, these authorities do not resolve the evidential difficulty the Applicants face. The issue is not whether fair counting, agent observation, ballot security, proper tabulation and transparency are important. They plainly are. The issue is whether the Applicants have shown that those standards were breached in this election in a manner justifying interim restraint. For reasons already stated, I am not satisfied that they have done so.

[62] Accordingly, I conclude that the application for an interim injunction should be refused. The allegations are serious in nature, but they are not supported by evidence sufficiently specific or cogent to justify the relief sought. The Respondents have answered the main complaints, and there is no sufficient answer to the evidence concerning historical reconciliation practice or recount procedure. Additionally, the Applicants have failed to pursue the specific statutory remedy available to them under section 350 of the Labour Act.

The Preservation order:

[63] One of the reliefs sought on the application is a preservation order. The Applicants seek an order preserving all election material pending the hearing and determination of this claim. In my view there is utility in preserving the election matter as surely it would be of evidential value. However, the necessity of election material to the claim does not justify granting injunctive relief in circumstances where there is absolutely no allegation of there being a risk or threat of these materials being destroyed or otherwise tampered with.

[64] Additionally, the Registrar can adequately, under his wide powers, deal with such a request once the remedy under Section 350 of the Labour Act is triggered.

[65] Accordingly, this aspect of the application is also refused.

COSTS:

[66] On the issue of costs, the Applicants have asked for costs to be costs in the cause. The Respondents have asked for their costs of the application. The general rule is that costs follow the event. The Respondents have been successful in this application. Taking all the factors set out in **Parts 64.6(6) and 65 of the Civil Procedure Rules (Revised Edition) 2023**, there is no good reason to depart from the general rule. Therefore, the Applicants shall pay the Respondents' costs to be assessed if not agreed within 14 days from today's date.

ORDERS:

[67] For the reasons above, I make the following orders:

- 1) The Applicants' application for an interim injunction is refused and accordingly dismissed.
- 2) The Applicants shall pay the Respondents' costs of this application to be assessed in default of agreement within 14 days from today's date.

Alvin Shiva Pariagsingh
High Court Judge

By the Court,

Deputy Registrar of the High Court