

## Henriques v. Canada (Attorney General), 2026 FCA 93 (CanLII)

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**Date: 20260511**

**Docket: A-333-24**

**Citation: 2026 FCA 93**

**CORAM: LOCKE J.A.  
HECKMAN J.A.  
ROCHESTER J.A.**

**BETWEEN:**

**NEIL HENRIQUES**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Montréal, Quebec, on May 11, 2026.

Judgment delivered from the Bench at Montréal, Quebec, on May 11, 2026.

REASONS FOR JUDGMENT OF THE COURT BY:

LOCKE J.A.

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**BETWEEN:**

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**and**

**HIS MAJESTY THE KING**

**Respondent**

**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Montréal, Quebec, on May 11, 2026).**

**LOCKE J.A.**

[1] Neil Henriques seeks judicial review of a decision of the Social Security Tribunal of Canada – Appeal Division (the Appeal Division) that dismissed his appeal of a decision of the General Division of that same tribunal. The General Division’s decision concluded that, following his dismissal from employment with IKEA Canada, Mr. Henriques was not entitled to employment insurance (EI) benefits because he had been dismissed for misconduct. The General Division found that, in his work in IKEA’s customer support call centre, he was repeatedly rude, aggressive and disrespectful with clients.

[2] Mr. Henriques argues that he was assertive, not rude, and that IKEA's approach to customer service complaints was ill-advised in that it encouraged customers to be rude and verbally abusive and exposed him to harassment and psychological trauma. Mr. Henriques also contends that he suffers from several physical ailments. Further, Mr. Henriques argues that he was given insufficient notice that his behaviour could result in dismissal since previous warnings about his behaviour had expired.

[3] The General Division noted correctly that Mr. Henriques was not entitled to EI benefits if he was dismissed because of his own misconduct: [section 30](#) of the *Employment Insurance Act*, S.C. 1996, c. 23. The General Division also correctly noted at paragraph 39 of its decision that "[t]here is misconduct if [Mr. Henriques] knew or should have known that his conduct could get in the way of carrying out his duties toward his employer and that there was a real possibility of being let go because of that" (citing *Mishibinijima v. Canada (Attorney General)*, [2007 FCA 36](#), 379 D.L.R. (4<sup>th</sup>) 121). An application for EI benefits is not the proper venue to question employer policies and the validity of employment dismissals: *Sullivan v. Canada (Attorney General)*, [2024 FCA 7](#), [2024] F.C.J. No. 31 at para. [6](#).

[4] The General Division went on to consider the evidence concerning Mr. Henriques' conduct and concluded that he had indeed engaged in misconduct in that he knew or ought to have known of IKEA's policy on dealing with customers, he knew of the potential consequences of not complying with that policy (having previously been warned), and he willfully went against the policy by telling a customer to "shut up". The General Division also concluded that he was dismissed because of that misconduct.

[5] It is clear that Mr. Henriques disagreed with aspects of IKEA's policy on dealing with customers, but that disagreement did not alter his obligation to comply with the policy.

[6] Mr. Henriques also takes issue with the General Division's factual conclusions on how he behaved with IKEA's customers. However, it was the General Division's role to draw those

conclusions. The Appeal Division and this Court have only limited powers to intervene. With regard to factual conclusions, the Appeal Division could intervene only where the General Division “based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it” (see [paragraph 58\(1\)\(c\)](#) of the *Department of Employment and Social Development Act*, S.C. 2005, c. 34). This Court may question the Appeal Division’s conclusions in that regard only if they are unreasonable: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65](#), [2019] 4 S.C.R. 653. We are not convinced that this is the case. The General Division and the Appeal Division considered the evidence, and Mr. Henriques has not shown that any of it was ignored or that any findings of fact were made in a perverse or capricious manner.

[7] The fact that warnings to Mr. Henriques about earlier misbehaviour might have occurred so long before that they could be considered expired does not alter the facts described above that led to the conclusion of misconduct: he was aware of IKEA’s expectations and of the potential consequences of failing to comply with them, and he willfully acted in contravention of those expectations.

[8] Finally, while the Court has sympathy for Mr. Henriques in view of the physical ailments he cites, these do not affect the reasonableness of the Appeal Division’s decision.

[9] For the foregoing reasons, this application will be dismissed. There will be no award of costs.

“George R. Locke”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**STYLE OF CAUSE:**

NEIL HENRIQUES v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:**

MONTRÉAL, QUEBEC

**DATE OF HEARING:**

MAY 11, 2026

**REASONS FOR JUDGMENT OF THE COURT BY:**

LOCKE J.A.  
HECKMAN J.A.  
ROCHESTER J.A.

**DELIVERED FROM THE BENCH BY:**

LOCKE J.A.

**APPEARANCES:**

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ON HIS OWN BEHALF

Lucky Ingabire  
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FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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