
Appendix 12.2.1F Fitness for Duty Program

FITNESS FOR DUTY PROGRAM

SECTION I. POLICY OVERVIEW

A. Goal

To New Gold Inc. ("the Company") the safety and well being of our work force is paramount and we continually strive for excellence in operational safety to keep our people, and members of the public with whom we deal, safe. An essential component of operational safety is an Alcohol and Drug free work environment, which is the goal of this program.

B. Implementation

The Company has reviewed the operational, social, medical, and ethical aspects of instituting this program in Canada and has a vital interest in the maintaining safe, healthy, and efficient working conditions for all of its Employees and eliminating Drug use in the workplace. As noted below, "Drug" includes alcohol, as well as prescription and other forms of medication which may or may not be illegal. Being under stress, fatigue, or the influence of a Drug while on the job poses serious safety and health risks, not only for the individual, but to all those who work with or otherwise come into contact with the individual. This program will allow all Employees to enjoy a safe, productive, and healthy work environment. Employees with Drug abuse problems are urged to seek assistance prior to problems affecting on-the-job performance.

The manufacture, distribution, possession, use, sale, transfer, purchase, or transport of illegal Drugs while on the job poses unacceptable risks for safe, healthful, and efficient operations and will be considered a violation of this program and may be grounds for progressive disciplinary action up to and including dismissal.

This policy will prevail over any inconsistency with any other Company Policy or Procedure documents.

C. Statement of Philosophy

The Company has designed a fitness for duty policy in order to strengthen its commitment to safe and efficient operations. The operating procedures and practices of the Company are intended to support the development and maintenance of the highest possible levels of Employee health and safety in the workplaces under its care and direction. The Company is committed to creating and maintaining a safe working environment and is very concerned about the personal welfare of its Employees. The Company recognizes that an individual's fitness for work may be affected for a variety of reasons including the adverse effects of fatigue, stress, Alcohol or Drugs. These factors can lead to major deficiencies in an individual's work performance and are a contributing factor in industrial accidents.

The Fitness for Work procedures provides a framework for dealing with these difficult and often sensitive issues. The Company believes that early intervention in such problems can assist individuals to deal with a situation which may otherwise place at risk their and others' health, safety and employment.

D. Policy Application

This policy applies to all personnel (employees and contractors) working at the Blackwater site, including office and managerial staff.

One of the tools used in this program is Drug Testing. The company is aware that Drug Testing does not necessarily demonstrate impairment nor does it necessarily reveal an abuse problem or chemical dependency to a Drug. A verified positive Drug test only means that the Drug is in the donor's system. Based on this information and depending on the circumstances, in particular the nature of the Drug and whether it was prescribed for use by the individual, the Company may work towards evaluation and accommodation rather than take disciplinary steps. The Company realizes that Drug dependence may be considered a disability under the Human Rights Code.

Unless otherwise stated, Drug testing will only be required of employees in Safety Sensitive Positions.

E. Definitions

1. **Alcohol:**

Beverage Alcohol which is designed and manufactured for human consumption.

2. **Company Business:**

Refers, but is not limited to, all activities undertaken by Employees in the course of the Company's operations, whether conducted on or off Company premises.

3. **Company Property:**

Any land, building or part thereof owned, leased or occupied by the Company and any motor vehicle or container, owned, leased, rented or used by the Company or any private motor vehicle used in the course of Company Business.

4. **Company Driver**

Includes those Employees whose duties involve driving a Company vehicle as defined under Company Property.

5. **Contact Group:**

The Contact Group is responsible to receive information dealing with this program and to maintain confidentiality on a need to know bases. The Contact Group will be composed of those individuals designated by the Company from time to time.

6. **Drug:**

For the purpose of this policy a Drug is any substance, including *Alcohol*, illicit Drugs or medications in which the use has the potential to change or adversely affect a person's physiological and/or psychological state. Drugs of concern are those that potentially inhibit a persons ability to perform their job safely and productively. Specific Drugs of concern include but are not limited to Alcohol, Marijuana, Cocaine, Opiates, Phencyclidine, and Amphetamines.

7. **Employee:**

Any person employed by the Company, including contractors who provide services to the Company.

8. **Fitness for Duty or Fit for Duty**

Means that an individual is in a state (physical, mental and emotional) which enables the employee to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.

Final determination of "Fit for Duty" is based on the opinion of the principal employer, manager or supervisor and where appropriate in conjunction with other assessment procedures.

9. **Incident:**

An event which intentionally or unintentionally causes or may have caused injury or damage.

10. **MRO:**

Medical Review Officer: Is a medical doctor who has been trained and certified in the interpretation and reporting of human Drug testing for substances of abuse.

11. **On-the-Job:**

On-the-Job is defined as any time while on Company Property whether on or off duty or off Company Property while performing Company Business.

12. **Positive**

A positive Alcohol test means a blood Alcohol concentration is equal to or greater than 20 milligrams of Alcohol in 100 milliliters of Blood (%). Blood Alcohol concentration which is confirmed at 40 milligrams % will be considered a violation of this policy. A positive Drug test means that the quantitative levels in the body are over the approved cutoff levels as set out by the Canadian Federal Governments and monitored by the Substance Abuse and Mental Health Services Administration, HHS laboratories.

13. **Program**

Means the fitness for duty program described in this document as the same may be amended from time to time.

14. **Qualified Program Administrator**

The Company will use the assistance of a qualified Third Party to administer this program. This will provide for confidentiality and arm's length administration of the program.

15. **Safety Sensitive Position**

A safety-sensitive position is one in which incapacity, substandard performance or failure to follow applicable instructions, codes or guidelines could result in risk of injury to the employee, others or the environment and which depend on alertness,

quickness of response, soundness of judgment, mental acuity and accuracy of coordination of multiple muscle functions in order to safely and properly carry on the assigned task. This definition includes all Employees who are required to rotate through or within a safety sensitive area.

16. SAP

Substance Abuse Professional. The role of a SAP is to determine whether or not an individual has a dependency or abuse problem and requires assistance to overcome such problems.

F. General Duties of Care

1. Duty of Care

The Company and all individuals on its sites have obligations under the "duty of care" provisions in relevant occupational health and safety legislation and general principles of law. In part, a worker shall report to his or her employer or manager any contravention of the Act [Occupational Health & Safety Act] or regulations or the existence of any hazard of which he or she knows.

2. Duty of the Employer

Under relevant occupational health and safety legislation, the Company is obliged to provide safe work places and safe systems of work and to eliminate hazards in the workplace. Part of the duty of care includes taking reasonable precautions to ensure all individuals on its sites are in a fit state to work so as to minimize risks both to themselves and others.

3. Duty of Employees

Employees have a duty to take reasonable care so as not to expose themselves or others to unnecessary health or safety risks. An important part of this duty is the responsibility to ensure that they are Fit for Duty at the start of and throughout the work period. They also have a duty to identify and report safety issues to the Company.

G. Duties of Managers/Supervisors and Employees

1. Senior Management.

The Company's and Contractor's senior management will be responsible for ensuring the adoption and implementation of this program. This includes;

(i) Company wide implementation

The senior management will ensure that managers understand and implement the Program in all their areas of responsibility.

(ii) Provision of resources

Senior managers will require that adequate resources are allocated for the education, training, counselling and other requirements of the Program throughout the Company's operations.

2. Supervisory Staff

Supervisory staff have the responsibility for the health, safety and welfare of all individuals under their control. Specific responsibilities include:

- (i) Implementation of the Program in area of responsibility**
Supervisory staff are responsible for the effective implementation of and adherence to the Program on their sites including the briefing of all Employees, the provision of appropriate education and training resources and the review of the Program's application and effectiveness in their areas of responsibility.
- (ii) Adherence to the Program**
Supervisory staff are responsible for ensuring that all individuals in their area of responsibility understand and comply with the requirements of the Program.
- (iii) Application of the Program**
Supervisory staff are responsible for ensuring that the Program is applied fairly and consistently. In particular they will ensure that individuals who seek assistance will not be disadvantaged and that all employment rights will be safeguarded.
- (iv) Assessing fitness for work**
Where appropriate and practical, supervisors are responsible for determining whether Employees under their control are Fit for Duty, at the start of and throughout the work period.
- (v) Action required when an Employee is not fit for work**
Supervisory staff are responsible for taking prompt and appropriate action whenever they believe an Employee is not Fit for Duty. This may include isolating the Employee from the workplace.
- (vi) Action required when an individual's fitness for work is compromised**
Supervisory staff are responsible for taking prompt and appropriate action to address safety or declining work performance in the same manner as for any other cause. This includes;

 - (a) Documenting occasions when an Employee is not Fit for Duty or when performance is affected or unsatisfactory.
 - (b) Providing effective feedback to the Employee concerning their performance or safety.
 - (c) Assisting the Employee to access support and assistance such as the New Gold, Inc. Employee Assistance Program. The current provider and contact information can be obtained by the Human Resource Services Department.
- (vii) Ensuring confidentiality**
Communications of confidential material are on a need to know basis only. In general, Supervisory staff will only be provided with functional ability information. However, if Supervisory staff are in a position where they have knowledge of, or are required to receive sensitive medical or other information of a confidential nature, then they are responsible for establishing appropriate procedures and facilities to ensure that the confidentiality of this information is safeguarded as required by the Program.

3. Company and Contractor Personnel

It is the responsibility of all Personnel to ensure their own safety and health at work and to avoid adversely affecting the health and safety of any other person. In order to fulfil this responsibility, each individual has the following obligations.

(i) **Reporting for work Fit for Duty.**

Individuals must present themselves at work Fit for Duty.

(ii) **Notification of any actual or potential impairment of Fitness for Duty.**

Employees must notify their manager of any concerns about, or potential impairment of, their fitness for work

4. Notification of breaches of the Program

All Employees must notify their managers or occupational health and safety representatives of any situation in which Program may have been breached. This includes;

- (i) Any situation in which other Employees may be unfit for work.
- (ii) The unauthorized possession or consumption of Drugs on the work site or during the work period by another individual .
- (iii) Any other apparent breach of the Program.

All such information will be dealt with in the strictest confidence.

SECTION II. TESTING APPLICATIONS

A. Employment Testing

The Company will require applicants for Safety Sensitive Positions to undergo an employment Drug test after an offer of employment with the Company is extended.

B. Reasonable Cause

The Company will require all Employees to submit to testing for Drugs when it believes there is a reasonable cause to suspect a violation of this policy. "Reasonable Cause" may include irrational or unusual behavior; reporting to work in an apparent unfit condition which includes, without limitation, specific, contemporaneous, clear observations concerning the appearance, behaviour, speech or body odours of the employee which would reasonably lead one to believe that the employee may be under the influence of a Drug. Any conduct of this nature due to Drugs may have an impact on job safety or performance. A Company representative will transport an Employee who is requested to undergo reasonable cause testing to the collection site or the collection agency will attend the Employee's location for the safety of the Employee and that of the public. The Employee will be required to submit to a Drug test.

An Employee who is required to take a Reasonable Cause test will be considered by the Company as unqualified to work and placed on immediate suspension, pending the results of his or her test. An Employee whose test results are negative will be paid for the time of her/his suspension.

C. Post Incident

Incidents will be investigated by the Company. Drug testing will **not** be required unless it has been determined that an Employee's action could have contributed to the accident/incident under the following circumstances,

- 1) A death;
- 2) Necessity for medical treatment resulting from a serious injury as defined below;
 - I. places life in jeopardy;

- II. produces unconsciousness;
 - III. results in substantial loss of blood;
 - IV. involves the fracture of a leg, arm, finger or toe;
 - V. involves the amputation of a leg, arm, hand, foot, finger or toe;
 - VI. consists of burns to a major portion of the body; or
 - VII. causes the loss of sight in an eye.
- 3) Any damage to public or private property which apparently exceeds \$5,000.00 including the estimated property damage, the cost of clean-up and recovery, value of lost product, and damage to the property of others or both; or
- 4) An incident that results in an emergency shutdown of a facility or part thereof.

All Employees at the Company will be subject to Post Incident Drug testing in accordance with the definition. Testing may also be required in incidents of near misses if they are considered to have had significant potential for more serious consequences. Because Post Incident testing is an investigative procedure, testing is required even in the absence of direct evidence or suspicion of Drug use/misuse.

Reasonable Cause and Post Incident testing must be conducted as soon as reasonably practical following the incident. No testing for Alcohol shall occur after 8 hours from the time of the incident. In the case of controlled substances no testing shall occur 32 hours from the time of the incident. It is recognized that it may not be possible to test an individual after an incident which renders him or her incapable of giving informed consent.

D. Return To Duty Testing

The Company will require a "negative" Return To Duty Drug test after a violation of this policy or after completion of evaluation, education or a treatment program before the employee returns to duty.

E. Follow-up testing

Unannounced follow up testing may be conducted on Employees who violated the policy (including refusals) and successfully completed the recommendations of a Substance Abuse Professional. All Employees will be subject to Follow-up testing as recommended by the SAP.

F. Client Requested testing

From time to time it may be necessary for the Company to meet a client's drug testing requirements which are not outlined in this policy to qualify to work on their sites or as a result of contractual obligations.

SECTION III. REFUSALS AND PROHIBITIONS

A. Refusal To Be Tested

Testing shall be considered a condition of continued employment at the Company. Refusal to be tested will be viewed as non-compliance with the Company policy and will require the Employee to be assessed by a SAP.

Examples of refusal included;

- (i) failing to provide an adequate urine specimen for a Drug test without a valid medical explanation;
- (ii) failing to provide adequate breath for an Alcohol test without a valid medical explanation;
- (iii) failing to submit to a test as required; or
- (iv) engaging in any conduct which obstructs the testing process.

B. Prohibited Conduct

1. The manufacture, distribution, possession, use, sale, transfer, purchase, or transport of illegal Drugs while on the job poses unacceptable risks for safe, healthful, and efficient operations and will be considered a violation of this policy. Violations under this section will subject the Employee to progressive disciplinary action up to and including dismissal.
2. Reporting to work not Fit for Duty.
3. No Employee *required* to take a post incident Alcohol test shall use Alcohol for eight hours following the incident or until he/she undergoes a post incident Alcohol test whichever occurs first.
4. No Employee who is found to have an Alcohol concentration between 0.02 and 0.04 mgs % shall perform or continue to perform safety sensitive functions for the Company, including driving a Company owned motor vehicle (including mobile equipment), until the start of the employees next regularly scheduled duty period, but not less than 8 hours following administration of the test.
5. Using, being under the influence of or possessing Alcohol while on the job is prohibited.
6. Employees must ensure that any prescription or non prescription medication is taken safely. This requires employees to discuss with the prescribing medical practitioner the nature of their duties and to ascertain any possible side effects of the prescribed medication which may impact on their safety or performance at work. No Employee will carry out his or her duties while their performance may be affected by prescription or over the counter medications. If an Employee has any questions or concerns about his or her ability to safely or efficiently perform the job while taking medication, that Employee has an obligation to report the question or concern to his or her supervisor.

Where an Employee reports a medically prescribed treatment or reports that he or she is taking medication which may cause that Employee to be not Fit for Duty the Company

may require the Employee to submit a medical note from the treating licensed physician. The physician must be familiar with the Employee's medical history and specific duties, and must certify that he or she is able to perform his or her job without risk of injury or harm to him or herself or other Employees or members of the public.

7. Employees who are on Company Business or on Company Property must comply with all local, provincial, and federal laws.

C. Specimen Adulteration

Any Employee found to have tampered with or attempted to alter a specimen collected for the purpose of Drug testing will be required to be evaluated by a SAP. Violations under this section will subject the Employee to progressive disciplinary action up to and including dismissal.

D. Inability to provide an adequate sample

In the event that an Employee is unable to provide a suitable sample of breath for breath Alcohol testing or urine for Drug testing the Employee will be required to submit to an evaluation by a licensed medical physician of the Company's choice to determine whether a valid medical condition exists for such inability. If the physician determines that a valid medical condition does exist, the test result will be reported to the Company as "cancelled". If the physician determines that a valid medical condition does not exist, the test result will be reported to the Company as a "refusal".

SECTION IV. TESTING METHODOLOGY

A. Scope

1. Employees can only be tested immediately before, during or immediately after duty. This includes being immediately available for duty.
2. All Drug testing will be conducted by urinalysis. All testing will be collected, analyzed and interpreted by certified professionals. Where breath Alcohol or saliva Testing devices are available, Alcohol may be tested by breath or saliva samples by a qualified Breath Alcohol Technician.
3. Results of these tests will be treated with a high degree of confidentiality.
4. All urine samples will be collected and then split into two separate sealed containers (split sample collection method) for the protection of the Employee. An Employee has the right to submit a request (within 72 hours) of the MRO to have their split sample tested in an independent accredited laboratory should there be a dispute of the original results. This split sample testing will be at the Employee's expense if the independent laboratory confirms the presence of the Drug which was originally reported by the first laboratory.

B. Drug Testing Procedures

1. Administration - Due to the sensitive nature associated with Drug testing, it is necessary that the program be centralized. In order to accomplish this, this program will be administrated by a Qualified Program Administrator.
2. The Qualified Program Administrator will be responsible for coordinating with the collection sites, Laboratory, and MRO and for communicating the details of the program to the Contact Group.

The testing methodology for Drug testing consists of four steps;

- 1) collection of the specimen,
- 2) laboratory processing,
- 3) a review by the MRO, and
- 4) communicating the results.

- a) Collection. All specimens will be collected in a competent manner and in accordance with approved protocols. Employees are required to report to the appropriate collection facility for collection of the specimen. Collection facilities will send the specimen directly to the certified contracted laboratory, who will in turn analyze the specimen.

Urine specimen collection is done in privacy without being observed by the collector. Where there is reason to believe that the Employee may have altered or substituted a specimen, witnessed collections may be conducted.

- b) Laboratory. The laboratories currently contracted to process all Company specimens are accredited/certified laboratories. They will process all specimens in accordance with applicable guidelines and screening cut off concentrations. All positive Drug results obtained by a screening test will be confirmed by Gas Chromatography Mass Spectrometry. The result of all specimens processed are then sent to the Medical Review Officer for final review and verification.

- c) MRO. The Qualified Program Administrator's MRO will evaluate all confirmed positive results to determine if there is any explanation for the positive result other than substance abuse. The Employee may request a personal review and submit medical information for review as requested by the MRO. A confidential physician/patient relationship will be maintained.

If the MRO receives results from a Drug test indicating that it was confirmed "positive", he will do the following:

- i. Attempt to contact the Employee, or candidate for employment, and verify if there is a valid medical use for the Drug in question.
 - If no valid explanation is made, the MRO will communicate verified positive result.
 - If the Employee has a valid medical use for the Drug the MRO will report a verified negative result to the Company.
- ii. If the MRO receives a positive result but is unable to contact the Employee providing the specimen within a reasonable period of time (48hrs), the MRO will communicate to the Company a request for the Employee to contact the MRO. Once the Employee has been informed of the need to contact the MRO they will

have 3 business days to contact the MRO otherwise a positive result will be reported to the Company. The MRO may verify a test as positive without having communicated directly with the Employee about the test in three circumstances:

- The Employee expressly declines the opportunity to discuss the test;
- Neither the MRO nor the designated employer representative, after making all reasonable efforts, has been able to contact the Employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory;
- The designated employer representative has successfully made and documented a contact with the Employee and instructed the Employee to contact the MRO and more than three business days have passed since the date the Employee was successfully contacted by the designated employer representative.

iii. If a test is verified positive under the circumstances specified above, the Employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the Employee from being contacted by the MRO or designated employer representative or from contacting the MRO within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the Employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.

iv. Receiving Results from the MRO. Once the Medical Review Officer has reviewed the test results and arrived at a decision, the final results will be communicated to the Company contact person in a manor which ensures confidentiality.

3. Record Keeping/protection of privacy Any records concerning Drug tests maintained by the Company will be kept in a separate confidential file segregated from any other Employee records. These results will be marked "Strictly Confidential" and will be kept as described previously in a segregated file by the Company. The only persons who will have access to the records are the Contact Group member(s).

All relevant information will be safeguarded according to the requirements for confidential human resource and medical information and will only be provided in cases where such information is necessary to ensure safety, health and performance on Company sites and operations. No information relating to this policy and identifying a particular individual will be released by New Gold, Inc. to anyone outside the Company without the written consent of the individual concerned, subject to Company's rights to seek professional advice and/or legal representation.

C. Need For Medical or Other Assessment

There are many legitimate medical or other reasons for physical or mental impairment of an individual's fitness for work. In such circumstances, employees will be required to have their treating medical care professional discuss their circumstances with the Company medical provider before they are permitted to return to work. In the case described above the company will make every effort to accommodate the employee.†

SECTION V. ACTION ON TEST RESULTS

A. General

All positive Drug results obtained by a screening test will be confirmed by Gas Chromatography Mass Spectrometry. The Company's Medical Review Officer will evaluate all-confirmed positive results to determine if there is any explanation for the positive result other than substance abuse. The Employee may request a personal review and submit medical information for review as requested by the Medical Review Officer. A confidential physician/patient relationship will be maintained. A positive test result will result in a SAP evaluation to determine if a Drug problem exists or not. If, after evaluation, it is determined that the Employee requires treatment before returning to work, the Company will require successful completion of the treatment program as a requirement for his or her returning to work. After successful completion of a treatment program, the Employee will be subject to all the regular provisions of this Program, as well as periodic unannounced follow up testing.

B. Breath Alcohol Confirmation Test Procedures

In the case of testing for Alcohol with a breathalyzer, if the result of the initial test (screening test) is 20 milligrams of Alcohol per 100 milliliters of blood or greater, a confirmation test will be performed. The confirmation test will be conducted not less than 15 minutes after the completion of the screening test. The reason for this requirement is to eliminate mouth Alcohol residue leading to an artificially high reading. The result of the confirmation test will be reported. Confirmation tests may also be done at the laboratory through urinalysis.

C. Applicants for Employment

If an applicant tests Positive, and they can establish that they suffer from substance-related disabilities, they will be required to sign the Conditions of Continued Employment and will be contacted for an interview by a SAP. This interview will determine whether the applicant requires assistance in resolving problems with substance misuse.

After the evaluation by the SAP, The Qualified Program Administrator may advise the Company that the Employee does not need such assistance, and in such event, the Company will consider the applicant qualified to work under conditions set out by the SAP.

If the Company is advised that the applicant needs assistance, the applicant will be expected to complete the required assistance or treatment program prior to any further consideration of employment.

D. Current Employees

It is important to note that a verified positive Drug test does not necessarily constitute impairment at the time of the test or a chemical dependency/addiction to a substance. To reduce the risk from the use of Drugs in the workplace the Company will require the process outlined below after a verified positive result is reported. This process is designed to provide assistance for those Employees who may require support.

- 1) First - the Employee signs a Conditions of Continued Employment (CCE). This is to say that the Company and the Employee enter into an agreement, which allows the Company to accommodate the Employee knowing that the Employee is not refusing treatment if it is required. This same form also allows the release of information on the evaluation by the SAP to the Company.
- 2) Second - After the CCE is signed, witnessed, and faxed to [the](#) Qualified Program Administrator, arrangements will be made for the Employee to be evaluated. This evaluation is a brief psychological screening measure that helps identify individuals who have a high probability of having a substance dependence disorder (i.e. chemical dependency). There is then a face to face interview with a SAP to determine if the Employee needs assistance in overcoming a Drug problem.
- 3) Third - After successful completion of the SAP evaluation and rehabilitation program (if required), the Employee will be considered for appropriate employment if still available, or elsewhere within the Company. The Employee will be subject to all provisions of this policy.

Note: Employees who come forward voluntarily will go through the procedures as set out above.

A negative return to duty Drug test and periodic follow-up testing will be required as outlined by this policy and based on the recommendations of the SAP.

If the Employee in a Safety Sensitive Position refuses to participate in a rehabilitation or treatment or education program, or sign the required documents, he or she will not be considered for further employment.

Employees who are off work as a result of this program may be entitled to use any Company benefits or sick time, if available.

E. Rehabilitation

Employees are encouraged to seek assistance from the Company before Drug problems lead to performance problems. Where an Employee comes forward to the Company prior to the Drug problem creating a performance problem, the Employee's decision to seek assistance from the Company will not become part of such Employee's personnel file, will not be used as basis for disciplinary action, and will not be used against the Employee in any disciplinary proceedings. However, the fact that the Employee came forward to the Company for assistance will not be a defense to imposition of disciplinary action where evidence of a violation of this policy is obtained outside of the Company's efforts to assist the Employee.

Employees participating in a treatment program may be granted leave with a conditional return to work dependent upon such Employee's successful completion of an appropriate treatment regime, which is determined by a Substance Abuse Professional.

F. Result Reporting

Results of Drug testing will be reported to the Contact Group. The Contact Group will be responsible for receiving the results from the Drug tests for all Employees and maintaining record keeping in a confidential manner.

The Contact Group will include those individuals designated by the Company from time to time.

G. Loss of driving privileges

While an individual's activity on their own time is their business, in certain instances there may be implications for the workplace. For example, if a person drives a Company vehicle on public highways, some charges or convictions may result in loss of driving privileges. An example of a charge or conviction which results in the mandatory loss of a drivers license is impaired driving. Again the Company encourages Employees to come forward for assistance as outlined in above in this document before problems result in charges or convictions.

Company Drivers must report any loss of driving privileges immediately to the appropriate Company manager. Employees who are on Company Business or on Company Property must comply with all local, provincial, and federal laws.

SECTION VI. CONTRACTOR RESPONSIBILITIES

A. Independent contractor Responsibilities

(the term independent contractor includes anyone who drives the contractor's vehicle) All independent Contractors will be expected to:

- perform in a safe manner in all ways consistent with established Company practices, standards, and policies
- read, understand and abide by this policy and their responsibilities
- report fit for duty for any and all scheduled and unscheduled work
- seek advice and follow appropriate treatment if they suspect they have a substance dependency or emerging problem
- abstain from the use of Alcohol for a reasonable period of time before reporting for work
- cooperate with any work limiting recommended by a health care professional
- follow any recommended monitoring of aftercare program after primary treatment for a Drug problem
- manage any potential impairment during working hours due to the legitimate use of medication by determining if it could have a negative effect on performance
- report the use of any medication that could have a negative effect on performance
- look out for others in terms of fitness for duty and take appropriate action if there may be safety problems
- meet the same fitness for duty standards, and prohibitions around use and trafficking for Drugs, and medications

if required by New Gold, Inc., have their own **Fitness for Duty Program** where required by law or where necessitated by safety risks. *Violation of the above requirements may result in termination of the agreed services.*

B. Reporting to work for an emergency or call out

Workers that are contacted to report for work for emergency or other unscheduled reasons must not accept a work assignment if they have reason to believe their ability to work safely and effectively may be impaired by reason of the use of Drugs or the use of prescription or "over the counter" medication. Any worker contacted to report in such circumstances must refuse the assignment and advise the person contacting them that they are doing so because they believe they may be impaired. Workers refusing a work assignment on this basis will not be subject to discipline for the refusal, although they may, depending on the circumstances, be referred to a counselling program as a result of multiple refusals to work because of impairment.

SECTION VII. ACCOMMODATION

A. Responsibility

A person who requires accommodation in order to perform the essential duties of a job has a responsibility to communicate the need for accommodation to the Company in sufficient detail and to cooperate in consultations to enable the person responsible for accommodation to respond to the request.

B. Support

If an Employee's Drug addiction/dependency is interfering with that person's ability to perform the essential duties of the job, the Company will provide the support necessary to enable that person to undertake a rehabilitation program unless it can be shown that such accommodation is not possible.

C. Consequences

The purpose of this Program is to help and assist those individuals with substance abuse problems and aid in their rehabilitation. Unless otherwise specified, all Employees who violate the policy will be required to see a SAP for evaluation. Where safety is an issue Employees may be removed from their Safety Sensitive duties. Multiple violations of this policy, in the Company's opinion, pose health or safety risks to other workers or members of the public to an unacceptable degree. Therefore, multiple violations will result in progressive disciplinary action up to and including dismissal.



The Company reserves the right to amend this statement of policy and procedure in a manner, and at any time without prior notice, that it sees as appropriate. This document will be reviewed annually.

Reviewed By: _____ Date: _____

Authorised by: _____ Date: _____

CERTIFICATION

I have received, read, and understand the content of the Fitness for Duty Program. I understand that compliance with the Fitness for Duty Program will be considered a condition of employment at New Gold, Inc.. I understand that failure or refusal to cooperate fully, sign any required documents, and submit to any requested or recommended tests is a violation of this policy.

Date: _____

Employee's Signature

Employee's Printed Name

Witness' Signature