



Joshua H. Viau

Co-Regional Managing Partner

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Service Focus

- Labor Relations
- Litigation and Trials
- Wage and Hour
- Employment Discrimination and Harassment

Industry Focus

- Agriculture

Overview

Employers represented by Josh Viau consider him a valuable resource for avoiding disputes as well as a tireless advocate when disputes arise. Josh has spent his entire legal career advising employers on day to day human resource and labor relations issues with a focus on avoiding problems before they turn into emergency situations such as a government agency audit, EEOC charge, litigation, an unfair labor practice charge, or a union organizing campaign or election petition. This includes advising employers on day to day issues arising under state and federal statutes including Title VII, the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Fair Labor Standards Act (FLSA) and the National Labor Relations Act (NLRA). As part of a preventive approach to his labor relations practice, Josh regularly advises clients on union avoidance and proactive employee relations plans. He also counsels and defends many agricultural employers in connection with the FLSA, the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), the H-2A temporary foreign agricultural worker program, and other federal and state employment and discrimination laws.

Despite best efforts, conflict in the workplace is often inevitable, and Josh has represented employers all over the country in employment-related litigation in state and federal courts and

administrative proceedings in government tribunals. His experience includes successfully defending employers from allegations of discrimination, retaliation, wrongful discharge, wage and hour violations, and employment related contractual disputes. For example, he successfully negotiated a settlement in a restrictive covenant case that not only addressed the dispute at hand, but worked creatively with the client and the opposition to craft an agreement that prevented future disputes between competitors in a very small niche market. Josh has also either won summary judgment or other pre-trial dismissal on behalf of his clients in over 50 employment litigation matters.

Josh also represents and assists employers across the country in traditional labor matters including union avoidance campaigns, unfair labor practice charges, grievances and arbitrations, representation cases, and collective bargaining negotiations. Josh has successfully defended employers against unfair labor practice charges alleging retaliation following an unsuccessful union organizing drive and charges filed during ongoing labor disputes, including strikes and lockouts. In addition to rigorously defending charges for union employers, Josh's experience includes cases involving allegations that employees were retaliated against for engaging in concerted protected activity, arising out of non-union workplaces. For example, Josh successfully avoided reinstatement of an employee who was allegedly discharged for leading an unauthorized walk out in a non-union facility.

Josh works with a variety of national and local clients including employers in agriculture, manufacturing, construction, hospitality, and retail. He is the former Chair of the Labor and Employment Law Section of the Georgia State Bar and is active in several business groups. Josh has been selected to the *Best Lawyers in America* since 2017, and was recognized as a *Georgia Super Lawyer* since 2015 and *Georgia Super Lawyer – Rising Star* from 2006 through 2014.

Recent Experience

Experience

- Successfully defended a large government contractor against allegations of whistle-blower retaliation.
- Successfully defended a local law enforcement agency against claims of harassment and gender discrimination and claims of First Amendment retaliation.
- Represented a unionized employer in negotiations to modify collective bargaining agreements and past practices to address rising health care costs and defended cases regarding modifications to retiree health benefits.
- Defended individual and collective actions alleging wage and hour violations.
- Provided counseling and assistance to unionized and non-unionized employers regarding reductions in force, plant relocations and consolidations.

- Negotiated a conciliation agreement for a federal construction contractor following an OFCCP audit.

Credentials

Education

- J.D., 2000, Emory University School of Law
- B.S., 1997, with honors, Michigan State University

Bar Admissions

- Georgia

Court Admissions

- Georgia Supreme Court
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Western District of Michigan

Recognitions

- Recognized in *The Best Lawyers in America* (2014 – 2025)
- Named to *Georgia Trend* magazine's "Legal Elite" list (2020)
- *Georgia Super Lawyers*, since 2015
- *Georgia Super Lawyers* - Rising Star (2006-2014)

Affiliations

Professional Activities

- Chair of the State Bar of Georgia, Labor and Employment Section - 2011
(Executive Committee positions include Treasurer 2008, Secretary 2009, Vice Chair, 2010, Immediate Past Chair 2012)
- Atlanta Bar Association
- Labor and Employment Law Council of the Associated General Contractors of America
- Technology Association of Georgia – Board Member for Human Resources + Diversity Society

Community Activities

- Carroll County Chamber of Commerce

Insights

INSIGHTS

04/16/25

Agency Judges' Power at Risk Again: Family Farm Fights Back After DOL Demands \$500K for Alleged H-2A Program Violations

Rebecca Hause-Schultz, Marty Heller, Joshua H. Viau

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NEWS

02/07/25

Agriculture Industry Co-Chair Weighs in on the Farm Laborers Fair Labor Practices Act

Joshua H. Viau

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EVENT

September 19, 2024, and September 26, 2024

Modern Approaches to Employee Mobility, Information Safeguards and Competitive Advantage

Risa B. Boerner, Jonathan Crook, Michael P. Elkon, Lauren Frisch, Edward F. Harold, Anthony Isola, Anne Yarovoy Khan, Christopher P. Stief, Joshua H. Viau, David J. Walton, Jeremy F. Wood

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INSIGHTS

07/17/24

Agricultural Employers Could Face Less Oversight, More Uncertainty in the Post-Chevron Era: 3 Steps to Success

Boris Gautier, Rebecca Hause-Schultz, Marty Heller, Joshua H. Viau, Alden J. Parker

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INSIGHTS

04/29/24

DOL Finalizes Farmworker Protection Rule: 8 Key Takeaways for H-2A Agricultural Employers

Rebecca Hause-Schultz, Joshua H. Viau

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INSIGHTS

04/18/24

Labor Issues In Full Bloom This Spring for California Agriculture Employers: Here's What You Need to Know

Rebecca Hause-Schultz, Alden J. Parker, Joshua H. Viau

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NEWS

04/01/24

Agriculture Co-Chair Quoted on Efforts to Make Changes to the Farm Labor Fair Labor Practices Act

Joshua H. Viau

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NEWS

10/12/23

Atlanta Partner Discusses New York Farm Laborers Fair Labor Practices Act

Joshua H. Viau

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EVENT

08/31/23

Are You Ready for a Union Organizing Drive at Your Workplace?

Joshua H. Viau

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INSIGHTS

08/25/23

Comprehensive FAQs For Employers on Hurricanes and Other Workplace Disasters: 2023 Edition

Erin Waldron Anderson, Steven M. Bernstein, Sheldon J. Blumling, Risa B. Boerner, Kathleen McLeod Caminiti, Myra K. Creighton, Steven R. Cupp, Amanda Davinson, Edward F. Harold, Brett Holubeck, Matthew R. Korn, Sarah Leon, Todd A. Lyon, Robin Repass, Shanon R. Stevenson, Travis Vance, Joshua H. Viau, Spencer W. Waldron, Megan C. Winter

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